
By: **The Minority Leader (By Request - Administration)**

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Assigned to: Rules and Executive Nominations

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2003

CHAPTER _____

1 AN ACT concerning

2 **Budget Reconciliation and Financing Act of 2003**

3 FOR the purpose of altering a certain fee collected for certain identification of certain
4 vehicles authorized to transport alcoholic beverages; requiring that a certain
5 required audit report regarding the Maryland Economic Development
6 Corporation be submitted on or before a certain date each year; altering certain
7 provisions of law relating to funding certain functions of the Division of Labor
8 and Industry; altering the distribution of uncashed pari-mutuel tickets;
9 delaying a requirement that the State budget include a certain appropriation to
10 the Department of General Services to pay rent to counties, including Baltimore
11 City, for certain space occupied by clerks of the circuit courts; requiring the State
12 Court Administrator to establish a surcharge of a certain amount on certain
13 recordable instruments for the Circuit Court Real Property Records
14 Improvement Fund; altering the authority to use the Law Enforcement and
15 Correctional Training Fund for certain purposes; requiring certain local
16 jurisdictions to submit certain information to the Department of Public Safety
17 and Correctional Services regarding numbers of inmates and costs of operation
18 of local correctional facilities; requiring the Department to deduct certain
19 amounts from certain reimbursements otherwise due the jurisdiction if a local
20 jurisdiction fails to submit the information when due; requiring that the State
21 pay certain costs of a new or enlarged existing local correctional facility if the
22 Secretary of the Department of Public Safety and Correctional Services makes a
23 certain determination under certain circumstances; requiring that the Secretary
24 of the Department of Public Safety and Correctional Services review and study
25 each county's local correctional facility population under certain circumstances;
26 clarifying the calculation of certain State aid to community colleges, Baltimore
27 City Community College, and private institutions of higher education; making a

1 certain technical change relating to the amount of certain payments by the State
2 to certain institutions of higher education; delaying certain distributions to
3 certain institutions of higher education; altering the amount of the fee collected
4 by the Department of Health and Mental Hygiene for certain certificates and
5 expanding the range of certificates for which a fee is collected; increasing the
6 amount of certain fees collected by local health departments that is required to
7 be transferred to the General Fund of the State; altering the calculation of
8 reimbursement rates for certain community services providers serving
9 individuals with developmental disabilities; altering the required frequency of
10 certain tobacco and cancer studies; altering the calculation of certain tobacco
11 and cancer grants to local jurisdictions; codifying a certain requirement that the
12 Governor include a certain minimum amount in appropriations in the annual
13 budget for certain activities aimed at reducing tobacco use in Maryland;
14 repealing a requirement that the Office of Legislative Audits audit the
15 Governor's Wellmobile Program annually; providing that for certain fiscal years
16 a certain fund shall be used exclusively for certain purposes; requiring the
17 Maryland Children's Health Program to be administered for certain individuals
18 at certain incomes through the Maryland Medical Assistance Program and
19 under certain requirements; repealing a MCHP private option plan requiring
20 certain employer-sponsored health benefit plans; requiring certain individuals
21 to pay a certain family contribution as a requirement of enrollment and
22 participation in a managed care organization; providing that the family
23 contribution applies on a certain basis regardless of certain enrollment in the
24 managed care organization; altering the amount that the Governor is required
25 to include in the annual State budget to cover certain costs of a certain program;
26 eliminating the ceiling on the amount of administrative expenses that may be
27 paid from a certain fund; providing that a budget amendment may not transfer
28 any part of certain appropriations to certain purposes; changing the names of
29 certain special accounts within the State Reserve Fund; altering certain notice
30 and approval procedures for certain transfers from a certain special account
31 within the State Reserve Fund; altering the amount of certain appropriations
32 required to a certain special account within the State Reserve Fund under
33 certain circumstances; altering the minimum appropriation the Governor is
34 required to include in the annual budget bill for the Maryland State Arts
35 Council; altering the distribution from a certain fund for certain years; ~~altering~~
36 ~~the distribution of certain revenues for certain years; requiring the Motor~~
37 Vehicle Administration to set the levels of certain fees so that certain projected
38 revenues fall in certain ranges; repealing certain provisions of law prohibiting
39 the reversion of certain unspent funds to a certain account; altering the amount
40 of certain required appropriations for a certain year; ~~restricting the expenditure~~
41 ~~of certain funds in a certain year; altering the termination date for certain~~
42 provisions relating to the State Employees Leave Bank and certain employees
43 who have been ordered into active military service; delaying certain
44 requirements that the counties and Baltimore City use certain savings for
45 certain purposes and submit certain reports; repealing certain prohibitions on
46 the Department increasing certain copayments from enrollees; altering a
47 certain formula for State Aid for Police Protection Grants beginning with a
48 certain fiscal year; altering certain distributions from the State Aid for Police

1 Protection Fund for a certain fiscal year; defining certain terms; altering the
 2 calculation of the amount that each county board receives for fiscal year 2004
 3 under certain components of the Governor's Teacher's Salary Challenge Grant
 4 Program; providing that for a certain fiscal year certain funds shall be excluded
 5 for purposes of calculating a certain maintenance of local education funding
 6 effort requirement; repealing certain provisions of law establishing and relating
 7 to the Maryland Higher Education Supplemental Loan Authority; requiring the
 8 reversion of certain funds in a certain year; ~~altering the contribution to a certain~~
 9 ~~fund for a certain year; reducing and transferring to the General Fund certain~~
 10 ~~unexpended appropriations; eliminating certain employee payments in a certain~~
 11 ~~year; restricting increases in certain rates in certain years to certain providers;~~
 12 ~~permitting allowing certain providers to submit requests for certain exceptions~~
 13 ~~in certain circumstances; requiring the Governor to transfer to the General~~
 14 ~~Fund certain amounts from certain special funds for certain fiscal years;~~
 15 ~~authorizing the Governor to transfer to the General Fund certain amounts from~~
 16 ~~a special fund under certain circumstances; providing that certain funds may be~~
 17 ~~transferred for a certain fiscal year by approved budget amendment to be used~~
 18 ~~for certain purposes; requiring the Governor for a certain fiscal year under~~
 19 ~~certain circumstances to include in the State budget an appropriation from a~~
 20 ~~certain fund of at least a certain amount for certain purposes; requiring that for~~
 21 ~~certain fiscal years, certain amounts from a certain fund shall be transferred to~~
 22 ~~a certain fund; altering certain payments to certain counties for a certain fiscal~~
 23 ~~year; repealing certain provisions of law establishing and relating to the~~
 24 ~~Maryland Competitive Advantage Financing Fund; making the provisions of~~
 25 ~~this Act severable; providing for the effective dates of this Act; and generally~~
 26 ~~relating to the financing of State and local governments for certain fiscal years.~~

27 BY repealing and reenacting, with amendments,
 28 Article 2B - Alcoholic Beverages
 29 Section 2-101(b)(6)
 30 Annotated Code of Maryland
 31 (2001 Replacement Volume and 2002 Supplement)

32 BY repealing and reenacting, with amendments,
 33 Article 83A - Department of Business and Economic Development
 34 Section 5-212(d)
 35 Annotated Code of Maryland
 36 (1998 Replacement Volume and 2002 Supplement)

37 BY repealing and reenacting, with amendments,
 38 Article - Business Regulation
 39 Section 11-1203(i)(1)(ii) and 11-1206(e) Section 3-201, 11-402, 11-803,
 40 11-1203(i)(1)(ii), and 11-1206(c)
 41 Annotated Code of Maryland
 42 (1998 Replacement Volume and 2002 Supplement)

- 1 BY repealing
2 Article - Business Regulation
3 Section 11-1206(d)(2)
4 Annotated Code of Maryland
5 (1998 Replacement Volume and 2002 Supplement)
- 6 BY repealing and reenacting, with amendments,
7 Article - Courts and Judicial Proceedings
8 Section 1-504 and 13-604(a)
9 Annotated Code of Maryland
10 (2002 Replacement Volume)
- 11 BY repealing and reenacting, with amendments,
12 Article - Correctional Services
13 Section 8-304, 9-402, and 11-105(a) and (b)
14 Annotated Code of Maryland
15 (1999 Volume and 2002 Supplement)
- 16 BY repealing and reenacting, with amendments,
17 Article - Education
18 ~~Section 16-317(e) and 17-302~~ Section 16-305(c)(1), 16-317(b)(1) and (c),
19 16-512(a), 17-104, and 17-302
20 Annotated Code of Maryland
21 (2001 Replacement Volume and 2002 Supplement)
- 22 BY repealing and reenacting, with amendments,
23 Article - Health - General
24 Section 4-217(c), 7-307(d), 13-1003(b)(4) and (e)(4), 13-1004, 13-1007(b),
25 13-1012(a)(2), 13-1103(b)(4) and (f)(3), 13-1104, 13-1108(b),
26 13-1303(d)(2), 15-103.3(c)(1), 15-301(c), 15-301.1, 15-303(a)(1), and
27 18-108(c)
28 Annotated Code of Maryland
29 (2000 Replacement Volume and 2002 Supplement)
- 30 BY adding to
31 Article - Health - General
32 Section 13-1007(c) and (d), 13-1015, and 13-1108(d) and (e)
33 Annotated Code of Maryland
34 (2000 Replacement Volume and 2002 Supplement)
- 35 BY repealing and reenacting, with amendments,
36 Article - Labor and Employment
37 Section 5.5-106

1 Annotated Code of Maryland
 2 (1999 Replacement Volume and 2002 Supplement)

3 BY repealing and reenacting, with amendments,
 4 Article - Natural Resources
 5 Section 8-709(d)
 6 Annotated Code of Maryland
 7 (2000 Replacement Volume and 2002 Supplement)

8 BY repealing and reenacting, with amendments,
 9 Article - State Finance and Procurement
 10 Section 7-210, 7-309 through 7-311, 7-314(a)(1) through (3), (b) through (f),
 11 (g)(1)(ii), (h), and (k) through (n), 7-324, 7-325, and 7-327(a) through (e)
 12 and (g) through (i)
 13 Annotated Code of Maryland
 14 (2001 Replacement Volume and 2002 Supplement)

15 BY repealing and reenacting, with amendments,
 16 Article - Tax - Property
 17 Section 13-209(c)
 18 Annotated Code of Maryland
 19 (2001 Replacement Volume and 2002 Supplement)

20 BY repealing and reenacting, with amendments,
 21 Article - Transportation
 22 Section ~~17-106(e)(2)(iv)~~ 12-120(d) and (e)
 23 Annotated Code of Maryland
 24 (2002 Replacement Volume)

25 ~~BY adding to~~
 26 ~~Article - Transportation~~
 27 ~~Section 17-106(e)(2)(v)~~
 28 ~~Annotated Code of Maryland~~
 29 ~~(2002 Replacement Volume)~~

30 BY repealing
 31 Chapter 637 of the Acts of the General Assembly of 1998
 32 Section 7 and 8

33 BY repealing and reenacting, with amendments,
 34 Chapter 121 of the Acts of the General Assembly of 1999
 35 Section 4

36 ~~BY repealing~~

- 1 ~~Chapter 309 of the Acts of the General Assembly of 2000~~
2 ~~Section 3~~
- 3 BY repealing and reenacting, with amendments,
4 Chapter 309 of the Acts of the General Assembly of 2000
5 Section 5
- 6 BY repealing and reenacting, with amendments,
7 Chapter 285 of the Acts of the General Assembly of 2002
8 Section 4
- 9 BY repealing
10 Chapter 440 of the Acts of the General Assembly of 2002
11 Section 25
- 12 BY repealing and reenacting, with amendments,
13 Chapter 453 of the Acts of the General Assembly of 2002
14 Section 3 and 5
- 15 BY repealing and reenacting, with amendments,
16 Chapter 464 of the Acts of the General Assembly of 2002
17 Section 3(b) and (f)
- 18 BY repealing and reenacting, with amendments,
19 Article 41 - Governor - Executive and Administrative Departments
20 Section 4-403(b)
21 Annotated Code of Maryland
22 (1997 Replacement Volume and 2002 Supplement)
23 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of 2003)
- 24 BY adding to
25 Article 41 - Governor - Executive and Administrative Departments
26 Section 4-403(d)
27 Annotated Code of Maryland
28 (1997 Replacement Volume and 2002 Supplement)
29 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of 2003)
- 30 BY repealing and reenacting, with amendments,
31 Article - Education
32 Section 5-216(d)(2)(iv) and (3)(iii)
33 Annotated Code of Maryland
34 (2001 Replacement Volume and 2002 Supplement)
35 (As enacted by Chapter 288 of the Acts of the General Assembly of 2002)

1 BY repealing

2 Article - Education

3 Section 18-1301 through 18-1319 and the subtitle "Subtitle 13. Maryland

4 Higher Education Supplemental Loan Authority"

5 Annotated Code of Maryland

6 (2001 Replacement Volume and 2002 Supplement)

7 BY repealing

8 Article 83A - Department of Business and Economic Development

9 Section 5-1301 through 5-1305 and the subtitle "Subtitle 13. Maryland

10 Competitive Advantage Financing Fund"

11 Annotated Code of Maryland

12 (1998 Replacement Volume and 2002 Supplement)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article 2B - Alcoholic Beverages**

16 2-101.

17 (b) (6) (i) The Office of the Comptroller shall prescribe a means of
18 identification for each vehicle authorized under an individual transportation permit
19 or a transportation or public storage and transportation permit. The identification
20 shall be kept in or on the vehicle at all times when alcoholic beverages are being
21 transported.

22 (ii) The fee for the identification is [\$2] \$20 for each vehicle.

23 **Article 83A - Department of Business and Economic Development**

24 5-212.

25 (d) As soon as practical after the closing of the fiscal year, an audit shall be
26 made of the financial books, records, and accounts of the Corporation. The audit shall
27 be made by independent certified public accountants, selected by the Corporation and
28 licensed to practice in the State. The accountants may not have a personal interest
29 either directly or indirectly in the fiscal affairs of the Corporation. They shall be
30 experienced and qualified in the accounting and auditing of public bodies. [The] ON
31 OR BEFORE JANUARY 1 FOLLOWING THE END OF EACH FISCAL YEAR, THE
32 accountants shall report the results of their examination, including their unqualified
33 opinion on the presentation of the financial position of the various funds and the
34 results of the Corporation's financial operations. If they are unable to express an
35 unqualified opinion they shall state and explain in detail the reasons for their
36 qualifications, disclaimer, or opinion including recommendations necessary to make
37 possible future unqualified opinions.

Article - Business Regulation

1

2 3-201.3 (a) The Commissioner shall administer and enforce this title.

4 (b) (1) The proposed budget of the Division of Labor and Industry shall
5 include an appropriation from the [General Fund of the State] WORKERS'
6 COMPENSATION COMMISSION to cover the cost of administering and enforcing this
7 title.

8 (2) The Workers' Compensation Commission shall [reimburse the
9 General Fund of the State for this] PAY THE cost OF ADMINISTERING AND
10 ENFORCING THIS TITLE from money that the Commission receives under § 9-316 of
11 the Labor and Employment Article.

12 11-402.13 The Special Fund consists of:14 (1) the State share of daily licensee fees;15 (2) pari-mutuel taxes;16 (3) the impact aid under § 11-812 of this title;

17 (4) MONEY FROM UNCASHED PARI-MUTUEL TICKETS THAT ARE FROM
18 BETS MADE INTO THE BETTING POOLS OF LICENSEES; and

19 [(4)] (5) any permit fees under §§ 11-820 and 11-832 of this title.20 11-803.

21 (a) If a winning ticket is not redeemed within 1 year, the licensee into whose
22 betting pool the bet was placed shall pay the amount needed to redeem the ticket to
23 the Commission, to be credited to the [Racing Facility Redevelopment Bond]
24 SPECIAL Fund under Subtitle [12] 4 of this title.

25 (b) Every year for the preceding calendar year, each licensee shall:

26 (1) report to the Commission the amount payable to the Commission
27 under this section; and

28 (2) pay that amount to the Commission.29 (c) (1) The license of a licensee shall be revoked if the licensee:30 (i) fails to report when money under this section is due; or

31 (ii) knowingly or willfully submits a report that understates the
32 amount due.

1 (b) To the extent provided in the State budget the rent shall be calculated per
2 net usable square foot, with no additional reimbursement of maintenance and utility
3 cost:

4 (1) For fiscal year [2004] 2007, at a rate not to exceed \$2.50;

5 (2) For fiscal year [2005] 2008, at a rate not to exceed \$5.00; and

6 (3) For fiscal year [2006] 2009 and each fiscal year thereafter, at a rate
7 of \$10.

8 (c) Unless the Administrative Office of the Courts and a county agree
9 otherwise, the county may not decrease the net usable square footage allocated to the
10 clerk of the circuit court for the county below the net usable square footage allotted for
11 fiscal year 2002.

12 13-604.

13 (a) The Administrator [may] SHALL establish a surcharge [not to exceed \$5]
14 OF \$20 for each type of recordable instrument to be recorded among the land records
15 and the financing statement records.

16 **Article - Correctional Services**

17 8-304.

18 (a) Expenditures under this section shall be made in accordance with an
19 appropriation approved by the General Assembly in the State budget.

20 (b) [(1)] The Department shall include in its annual operating [and capital
21 budget requests] BUDGET REQUEST an itemized list of requests for the use of money
22 from the Fund.

23 [(2)] The list shall include a brief description of each project, an estimate
24 of its cost, and the benefits to be derived.]

25 (c) [(1)] Disbursements from the Fund shall supplement and may not
26 substitute for any amounts designated in the State budget for assistance to State and
27 local jurisdictions for law enforcement and correctional training purposes.

28 [(2)] Money from the Fund may ONLY be used to fund the operating
29 budget of the Police Training Commission or the Correctional Training Commission

30 9-402.

31 (A) [The] SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE State shall
32 reimburse each county according to the following formula so that each county receives
33 the greater of:

1 (1) for sentenced inmates who are sentenced on or after January 1, 1987,
2 the State shall reimburse a county for each day from the 91st day through the 365th
3 day that sentenced inmates are confined in a local correctional facility at a rate of
4 reimbursement of 50% of the rate set forth in § 9-403 of this subtitle; or

5 (2) for each fiscal year, the Secretary shall determine for each county the
6 difference between the actual number of inmate days for the previous fiscal year and
7 the average number of inmate days and multiply this number of inmate days, if
8 positive, by 85% of the rate of reimbursement set forth in § 9-403 of this subtitle.

9 (B) (1) EACH COUNTY SHALL SUBMIT TO THE DEPARTMENT:

10 (I) ON OR BEFORE DECEMBER 1 OF THE FISCAL YEAR, CLOSEOUT
11 DATA FOR THE PREVIOUS FISCAL YEAR;

12 (II) ON OR BEFORE OCTOBER 1 OF THE FISCAL YEAR, INMATE DAYS
13 REPORTS FOR THE PREVIOUS FISCAL YEAR.

14 (2) IF A COUNTY FAILS TO SUBMIT THE INFORMATION REQUIRED
15 UNDER PARAGRAPH (1) OF THIS SUBSECTION WHEN DUE, THE DEPARTMENT SHALL
16 DEDUCT AN AMOUNT EQUAL TO 20% OF THE TOTAL REIMBURSEMENT OTHERWISE
17 DUE THE COUNTY UNDER THE SECTION FOR EACH 30 DAYS OR PART OF 30 DAYS
18 AFTER THE DUE DATE THAT THE INFORMATION HAS NOT BEEN SUBMITTED.

19 11-105.

20 (a) If the Secretary determines that the anticipated confinement of inmates in
21 a county's local correctional facility as a result of [§ 9-104(b) of this article] THE
22 SENTENCING STIPULATION EFFECTIVE ON JANUARY 1, 1987, would exceed the
23 capacity of the local correctional facility, [the county may apply to the Secretary for
24 financial assistance for the construction of a new local correctional facility or
25 enlargement of an existing local correctional facility] THE STATE SHALL PAY 100% OF
26 THE COSTS LISTED UNDER SUBSECTION (C) OF THIS SECTION OF A NEW OR
27 ENLARGED EXISTING LOCAL CORRECTIONAL FACILITY.

28 (b) For the purpose of anticipating inmate confinement under subsection (a) of
29 this section, the Secretary annually shall review and study each county's local
30 correctional facility population in conjunction with data relevant to patterns of:

31 (1) sentencing; [and]

32 (2) geographic distribution of inmates; AND

33 (3) THE RATES OF GROWTH IN THE NUMBER OF INMATES SENTENCED
34 TO NOT LESS THAN 6 MONTHS BUT NOT EXCEEDING 12 MONTHS:

35 (I) BEFORE JANUARY 1, 1987; AND

36 (II) ON OR AFTER JANUARY 1, 1987.

Article - Education

16-305.

(c) (1) (I) The total State operating fund per full-time equivalent student to the community colleges for each fiscal year as requested by the Governor shall be:

(i) 1. In each of fiscal years 2003 and 2004, not less than an amount equal to 23.1% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the previous fiscal year;

(ii) 2. In fiscal year 2005, not less than an amount equal to 24% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the previous fiscal year; and

(iii) 3. In fiscal year 2006 and each fiscal year thereafter, not less than an amount equal to 25% of the State's General Fund appropriation per full-time equivalent student to the 4-year public institutions of higher education in the State, as designated by the Commission for the purpose of administering the Joseph A. Sellinger Program under Title 17 of this article in the previous fiscal year.

(II) FOR PURPOSES OF THIS SUBSECTION, THE STATE'S GENERAL FUND APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE FOR THE PREVIOUS FISCAL YEAR SHALL REFLECT ANY AMENDMENTS OR REDUCTIONS TO THE APPROPRIATION FOR THE PREVIOUS FISCAL YEAR.

16-317.

(b) (1) Each eligible institution shall receive from the State, in the manner and subject to the limitations of this section, with respect to the contributions made by eligible donors as voluntary donations at any time during the first eligible period to the eligible institution for eligible programs, an amount equal to the first [\$200,000] \$150,000 or any portion thereof from contributions by eligible donors.

(c) Payments shall be made by the State:

(1) In the first eligible period, only with respect to contributions which are paid by the eligible donors to the eligible institution before July 1, 2004;

(2) In the second eligible period, only with respect to contributions which are paid by the eligible donors to the eligible institution before July 1, 2006; and

(3) In the [second] THIRD fiscal year following the fiscal year during which the contributions are made.

1 16-512.

2 (a) (1) The total State operating fund per full-time equivalent student
3 appropriated to Baltimore City Community College for each fiscal year as requested
4 by the Governor shall be:

5 [(1)] (I) In each of fiscal years 2003 and 2004, not less than an amount
6 equal to 60.9% of the State's General Fund appropriation per full-time equivalent
7 student to the 4-year public institutions of higher education in the State as
8 designated by the Commission for the purpose of administering the Joseph A.
9 Sellinger Program under Title 17 of this article in the previous fiscal year;

10 [(2)] (II) In fiscal year 2005, not less than an amount equal to 63.4% of
11 the State's General Fund appropriation per full-time equivalent student to the
12 4-year public institutions of higher education in the State as designated by the
13 Commission for the purpose of administering the Joseph A. Sellinger Program under
14 Title 17 of this article in the previous fiscal year; and

15 [(3)] (III) In fiscal year 2006 and each fiscal year thereafter, not less than
16 an amount equal to 66% of the State's General Fund appropriation per full-time
17 equivalent student to the 4-year public institutions of higher education in the State
18 as designated by the Commission for the purpose of administering the Joseph A.
19 Sellinger Program under Title 17 of this article in the previous fiscal year.

20 (2) FOR PURPOSES OF THIS SUBSECTION, THE STATE'S GENERAL FUND
21 APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC
22 INSTITUTIONS OF HIGHER EDUCATION IN THE STATE FOR THE PREVIOUS FISCAL
23 YEAR SHALL REFLECT ANY AMENDMENTS OR REDUCTIONS TO THE APPROPRIATION
24 FOR THE PREVIOUS FISCAL YEAR.

25 17-104.

26 (a) The Maryland Higher Education Commission shall compute the amount of
27 the annual apportionment for each institution that qualifies under this subtitle by
28 multiplying:

29 (1) The number of full-time equivalent students enrolled at the
30 institution during the fall semester of the fiscal year preceding the fiscal year for
31 which the aid apportionment is made, as determined by the Maryland Higher
32 Education Commission times;

33 (2) (i) In each of fiscal years 2003 and 2004, an amount not less than
34 14.3% of the State's General Fund per full-time equivalent student appropriation to
35 the 4-year public institutions of higher education in this State for the preceding fiscal
36 year;

37 (ii) In fiscal year 2005, an amount not less than 15.2% of the State's
38 General Fund per full-time equivalent student appropriation to the 4-year public
39 institutions of higher education in this State for the preceding fiscal year; and

1 (iii) In fiscal year 2006 and each fiscal year thereafter, an amount
2 not less than 16% of the State's General Fund per full-time equivalent student
3 appropriation to the 4-year public institutions of higher education in this State for
4 the preceding fiscal year.

5 (b) Full-time equivalent students enrolled in seminarian or theological
6 programs shall be excluded from the computation required by subsection (a) of this
7 section.

8 (c) Payments of State general funds under Subtitle 3 of this title shall be
9 excluded from the computation required by subsection (a) of this section.

10 (D) FOR PURPOSES OF THIS SECTION, THE STATE'S GENERAL FUND
11 APPROPRIATION PER FULL-TIME EQUIVALENT STUDENT TO THE 4-YEAR PUBLIC
12 INSTITUTIONS OF HIGHER EDUCATION IN THE STATE FOR THE PREVIOUS FISCAL
13 YEAR SHALL REFLECT ANY AMENDMENTS OR REDUCTIONS TO THE APPROPRIATION
14 FOR THE PREVIOUS FISCAL YEAR.

15 17-302.

16 (a) Except as provided in subsections (b) and (f) of this section, each eligible
17 institution shall receive from the State, in the manner and subject to the limitations
18 of this subtitle, with respect to the amounts pledged by eligible private donors as
19 voluntary donations at any time during the previous fiscal year to the eligible
20 institution for eligible programs as follows:

21 (1) An amount equal to the first \$250,000 or any portion thereof of
22 pledged amounts;

23 (2) An amount equal to one-half of the next \$1,000,000 or any portion
24 thereof of pledged amounts; and

25 (3) An amount equal to one-third of the amount in excess of \$1,250,000
26 or any portion thereof of pledged amounts.

27 (b) Bowie State University, Coppin State College, Morgan State University,
28 and University of Maryland Eastern Shore shall receive from the State, in the
29 manner and subject to the limitations of this subtitle, with respect to the amounts
30 pledged by eligible private donors as voluntary donations at any time during the
31 previous fiscal year to the eligible institution for eligible programs as follows:

32 (1) For amounts pledged on or after July 1, 2001, an amount equal to \$2
33 for every \$1 of the first \$250,000 or any portion thereof of pledged amounts; and

34 (2) For amounts pledged on or after July 1, 2001, an amount equal to the
35 next \$1,000,000 or any portion thereof of pledged amounts.

36 (c) Payments shall be made by the State:

1 (1) Only ~~ONLY~~ with respect to pledged amounts that are paid by the
2 eligible private donor to:

3 (i) ~~(+)~~ Bowie State University, Coppin State College, Morgan
4 State University, and University of Maryland Eastern Shore before January 1, 2006;
5 and

6 (ii) ~~(=)~~ All other eligible institutions ~~{before July 1, 2004} IN~~
7 ~~EQUAL INSTALLMENTS IN FISCAL YEARS 2005, 2006, 2007, AND 2008}; and~~

8 (2) ~~In~~

9 (I) TO BOWIE STATE UNIVERSITY, COPPIN STATE COLLEGE,
10 MORGAN STATE UNIVERSITY, AND THE UNIVERSITY OF MARYLAND EASTERN SHORE,
11 IN the fiscal year following the fiscal year during which the amounts are paid} BY
12 ELIGIBLE PRIVATE DONORS: AND

13 (II) TO ALL OTHER ELIGIBLE INSTITUTIONS, IN EQUAL
14 INSTALLMENTS IN FISCAL YEARS 2005, 2006, 2007, AND 2008.

15 (d) Payments by the State under this subtitle may not exceed:

16 (1) \$250,000 to each community college campus;

17 (2) \$1,250,000 each to the University of Maryland, College Park, the
18 University of Maryland, Baltimore, and the University of Maryland Baltimore
19 County;

20 (3) \$1,500,000 each to Bowie State University, Coppin State College,
21 Morgan State University, and University of Maryland Eastern Shore; and

22 (4) \$750,000 to each other eligible institution.

23 (e) (1) To determine eligibility for State payments, each donation shall be
24 compared to the amount donated during the base year. The following criteria shall be
25 the basis for comparison:

26 (i) Each donation must be from a new donor; or

27 (ii) Each donation must represent an increase over the amount
28 given by the donor during the base year.

29 (2) A donation received during the base year that fulfills a pledge made
30 prior to the base year may not be included in the determination of the amount
31 donated during the base year.

32 (3) Each donation must be specifically designated as an endowment.

33 (f) An institution may not receive funds for a donation that qualifies for a
34 contribution by the State under § 16-317 of this article.

Article - Health - General

2 4-217.

3 (c) (1) Except as otherwise provided by law, the Department shall collect a
4 [\$6] \$12 fee [for]:

5 (I) FOR each certified or abridged copy of a birth, death, fetal
6 death, [or] marriage, ADOPTION, FOREIGN ADOPTION, LEGITIMATION,
7 ADJUDICATION OF PATERNITY, AFFIDAVIT OF PARENTAGE, OR DIVORCE
8 VERIFICATION certificate [or for]:

9 (II) FOR a report that a search of the files was made and the
10 requested record is not on file; OR

11 (III) FOR EACH CHANGE TO A CERTIFICATE MADE LATER THAN ONE
12 YEAR AFTER THE ORIGINAL REQUEST FOR THE CERTIFICATE.

13 (2) From the fee the Department collects under paragraph (1) of this
14 subsection, the Department shall transfer the entire fee to the General Fund.

15 (3) (i) Any local health department may set and collect a fee for
16 processing and issuing a birth certificate, or for a report that a search of the files was
17 made and the requested record is not on file, that covers:

18 1. The administrative costs of providing this service; and

19 2. The requirements of subparagraph (iii) of this paragraph.

20 (ii) The fee set by the local health department for processing and
21 issuing a birth certificate or for a report under subparagraph (i) of this paragraph
22 may not exceed the actual costs to the local health department for processing and
23 issuing a birth certificate or a report.

24 (iii) From the fee the local health department collects under
25 subparagraph (i) of this paragraph, [\$4] \$10 shall be transferred to the General
26 Fund.

27 (iv) Prior to setting and collecting a fee for processing and issuing a
28 birth certificate or for a report under subparagraph (i) of this paragraph, the local
29 health department shall enter into a memorandum of understanding with the
30 Department of Health and Mental Hygiene that outlines the local health
31 department's fee structure.

32 (4) The Department or a local health department may collect a fee for a
33 certificate requested by an agency of the State or any of its political subdivisions.

34 (5) The Secretary may waive all or part of a fee if chargeable to an
35 agency of the United States.

1 (6) The Department may not collect a fee for a copy of a vital record

2 issued to:

3 (i) A current or former member of the armed forces of the United

4 States; or

5 (ii) The surviving spouse or child of the member, if the copy will be

6 used in connection with a claim for a dependent or beneficiary of the member.

7 7-307.

8 (d) The Department shall increase the rate of reimbursement for community

9 services providers by an amount that:

10 (1) Reduces the disparity amount to 80% on or before July 1, 2002;

11 (2) Reduces the disparity amount to [60%] 62% on or before July 1,

12 2003;

13 (3) Reduces the disparity amount to 40% on or before July 1, 2004;

14 (4) Reduces the disparity amount to 20% on or before July 1, 2005; and

15 (5) Eliminates the disparity amount on or before July 1, 2006.

16 13-1003.

17 (b) The purposes of the Surveillance and Evaluation Component are to:

18 (4) Conduct [an Annual] A BIENNIAL Tobacco Study, as provided under

19 § 13-1004 of this title.

20 (e) (4) The Department may contract with an entity to conduct the Baseline

21 Tobacco Study and one or more [annual] BIENNIAL tobacco studies as required under

22 § 13-1004 of this subtitle.

23 13-1004.

24 (a) [Each year following the year in which the Baseline Tobacco Study is

25 completed] BEGINNING IN FISCAL YEAR 2005 AND IN EVERY SECOND YEAR

26 THEREAFTER, the Department shall conduct [an Annual] A BIENNIAL A Tobacco

27 Study[.

28 (b) The Annual Tobacco Study:

29 (1) Shall] WHICH SHALL measure the same factors that are set forth in

30 § 13-1003(c) of this subtitle[;

31 (2) Subject to item (3) of this subsection, shall use a methodology or

32 model that is consistent with the methodology or model that was used to conduct the

33 Baseline Tobacco Study; and

1 (3) At least every other year, shall measure the factors listed in §
 2 13-1003(c) of this subtitle using] AND USE the same methodology or model that was
 3 used for the Baseline Tobacco Study.

4 (B) TO CARRY OUT THE EVALUATION AND SURVEILLANCE FUNCTIONS OF
 5 THIS SUBTITLE, THE DEPARTMENT MAY CONDUCT ANY OTHER TOBACCO STUDY
 6 MEASURING THE FACTORS SET FORTH IN § 13-1003(C) OF THIS SUBTITLE AND USING
 7 A METHODOLOGY OR MODEL THAT IS CONSISTENT WITH BUT NEED NOT BE
 8 IDENTICAL TO THAT USED TO CONDUCT THE BASELINE TOBACCO STUDY.

9 (c) (1) Subject to paragraphs (2) through (4) of this subsection, the
 10 Department shall contract with a higher education institution or private entity to
 11 conduct the [Annual] BIENNIAL Tobacco Study.

12 (2) The Department shall issue a request for proposal to select the entity
 13 that will conduct the [Annual] BIENNIAL Tobacco Study.

14 (3) The Department may contract with an entity to conduct one or more
 15 [annual] BIENNIAL tobacco studies.

16 (4) The Department shall use the criteria established in § 13-1003(e)(5)
 17 of this subtitle as a guide in administering the request for proposal process.

18 (d) On or before September 1 of [each year] EACH EVEN NUMBERED FISCAL
 19 YEAR, BEGINNING IN FISCAL YEAR 2006, the Department shall submit [an annual] A
 20 report to the Governor and, subject to § 2-1246 of the State Government Article, the
 21 General Assembly on the results of the [Annual] BIENNIAL Tobacco Study.

22 13-1007.

23 (b) Subject to SUBSECTIONS (C) THROUGH (E) OF THIS SECTION AND
 24 §§ 13-1008 through 13-1012 of this subtitle, the Department shall distribute a Local
 25 Public Health Tobacco Grant to each county that is equal to the sum of:

26 (1) A BASE AMOUNT OF FUNDING AS DETERMINED BY THE
 27 DEPARTMENT FOR EACH COUNTY AND BALTIMORE CITY;

28 [~~(1)~~] (2) The product of:

29 (i) One-half of the amount [of money that is allocated]
 30 REMAINING FROM THE ALLOCATION to the Local Public Health Component in the
 31 State budget AFTER THE BASE AMOUNT UNDER ITEM (1) OF THIS SUBSECTION IS
 32 DISTRIBUTED TO EACH COUNTY AND BALTIMORE CITY; and

33 (ii) The number of individuals in the county under the age of 18
 34 years who smoke or otherwise use tobacco products divided by the number of
 35 individuals in the State under the age of 18 years who smoke or otherwise use tobacco
 36 products; and

37 [~~(2)~~] (3) The product of:

1 (i) One-half of the amount [of money that is allocated]
2 REMAINING FROM THE ALLOCATION to the Local Public Health Component in the
3 State budget AFTER THE BASE AMOUNT UNDER ITEM (1) OF THIS SUBSECTION IS
4 DISTRIBUTED TO EACH COUNTY AND BALTIMORE CITY; and

5 (ii) The number of individuals in the county who smoke or
6 otherwise use tobacco products divided by the number of individuals in the State who
7 smoke or otherwise use tobacco products.

8 (C) BEGINNING IN FISCAL YEAR 2005, THE CALCULATIONS OF THE NUMBERS
9 OF INDIVIDUALS SMOKING OR USING TOBACCO PRODUCTS REQUIRED IN
10 SUBSECTION (B)(2)(II) AND (3)(II) OF THIS SUBSECTION SHALL BE BASED ON THE
11 MOST RECENT DATA AVERAGED OVER A MULTIYEAR PERIOD AS DETERMINED BY
12 THE DEPARTMENT.

13 (D) THE ALLOCATION FORMULA CALCULATED IN ACCORDANCE WITH
14 SUBSECTION (B) OF THIS SECTION FOR FISCAL YEAR 2005 SHALL REMAIN IN EFFECT
15 FOR THE FOLLOWING 3 YEARS AND THEREAFTER SHALL BE RECALCULATED EVERY
16 4TH YEAR IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

17 13-1012.

18 (a) The Department shall review a Comprehensive Plan for Tobacco Use
19 Prevention and Cessation submitted under § 13-1008(d) of this subtitle and
20 determine whether:

21 (2) The Plan allocates resources in a manner that is consistent with the
22 needs of the different populations in the county, including targeted minority
23 populations, as identified in the Baseline Tobacco Study and [annual] BIENNIAL
24 tobacco studies;

25 13-1015.

26 FOR FISCAL YEAR 2005 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR
27 SHALL INCLUDE AT LEAST \$21,000,000 IN THE ANNUAL BUDGET IN APPROPRIATIONS
28 FOR ACTIVITIES AIMED AT REDUCING TOBACCO USE IN MARYLAND AS
29 RECOMMENDED BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION,
30 INCLUDING:

31 (1) MEDIA CAMPAIGNS AIMED AT REDUCING SMOKING INITIATION AND
32 ENCOURAGING SMOKERS TO QUIT SMOKING;

33 (2) MEDIA CAMPAIGNS EDUCATING THE PUBLIC ABOUT THE DANGERS
34 OF SECONDHAND SMOKE EXPOSURE;

35 (3) ENFORCEMENT OF EXISTING LAWS BANNING THE SALE OR
36 DISTRIBUTION OF TOBACCO PRODUCTS TO MINORS;

37 (4) PROMOTION AND IMPLEMENTATION OF SMOKING CESSATION
38 PROGRAMS; AND

1 (5) IMPLEMENTATION OF SCHOOL-BASED TOBACCO EDUCATION
2 PROGRAMS.

3 13-1103.

4 (b) The purpose of the Surveillance and Evaluation Component is to:

5 (4) Conduct [an Annual] A BIENNIAL Cancer Study, as provided under
6 § 13-1104 of this subtitle.

7 (f) (3) The Department may contract with an entity to conduct the Baseline
8 Cancer Study and one or more [annual] BIENNIAL cancer studies as required under
9 § 13-1104 of this subtitle.

10 13-1104.

11 (a) [Each year following the year in which the Baseline Cancer Study is
12 completed] BEGINNING IN FISCAL YEAR 2004 AND BIENNIALY THEREAFTER, the
13 Department shall conduct [an Annual] A BIENNIAL Cancer Study.

14 (b) The [Annual] BIENNIAL Cancer Study shall:

15 (1) Measure the same factors that are set forth in § 13-1103(d) of this
16 subtitle; and

17 (2) Use the same methodology or model that is used to conduct the
18 Baseline Cancer Study.

19 (c) The Department may:

20 (1) Conduct the [Annual] BIENNIAL Cancer Study or any part of the
21 Study; or

22 (2) Contract with a higher education institution or private entity to
23 conduct the [Annual] BIENNIAL Cancer Study or any part of the Study.

24 (d) (1) If the Department chooses to have a higher education institution or
25 private entity conduct the [Annual] BIENNIAL Cancer Study or any part of the Study,
26 the Department shall issue a request for proposal to select the entity that will conduct
27 the Study or the relevant part of the Study.

28 (2) The Department may contract with an entity to conduct one or more
29 [annual] BIENNIAL cancer studies or a part of one or more [annual] BIENNIAL
30 cancer studies.

31 (e) On or before September 1 of [each year] EACH ODD NUMBERED FISCAL
32 YEAR, BEGINNING IN FISCAL YEAR 2005, the Department shall submit [an annual] A
33 report to the Governor and, subject to § 2-1246 of the State Government Article, the
34 General Assembly, on the results of the [Annual] BIENNIAL Cancer Study.

1 13-1108.

2 (b) Subject to [subsection (c)] SUBSECTIONS (C) THROUGH (E) of this section
3 and §§ 13-1109 through 13-1113 of this subtitle, the Department shall distribute a
4 Local Public Health Cancer Grant to each county that is equal to the sum of:

5 (1) A BASE AMOUNT OF FUNDING AS DETERMINED BY THE
6 DEPARTMENT FOR EACH COUNTY;

7 [(1)] (2) The product of:

8 (i) One-half of the amount [of money that is allocated]
9 REMAINING FROM THE ALLOCATION to the Local Public Health Component in the
10 State budget AFTER THE BASE AMOUNT UNDER ITEM (1) OF THIS SUBSECTION IS
11 DISTRIBUTED TO EACH COUNTY; and

12 (ii) The number of individuals in the county who have any of the
13 targeted cancers divided by the number of individuals in the State residing outside of
14 Baltimore City who have any of the targeted cancers; and

15 [(2)] (3) The product of:

16 (i) One-half of the amount [of money that is allocated]
17 REMAINING FROM THE ALLOCATION to the Local Public Health Component in the
18 State budget AFTER THE BASE AMOUNT UNDER ITEM (1) OF THIS SUBSECTION IS
19 DISTRIBUTED TO EACH COUNTY; and

20 (ii) The number of individuals in the county who died from any of
21 the targeted cancers during the prior year divided by the number of individuals in the
22 State residing outside of Baltimore City who died from any of the targeted cancers
23 during the prior year.

24 (D) BEGINNING IN FISCAL YEAR 2004, THE CALCULATIONS REQUIRED IN
25 SUBSECTION (B)(2)(II) AND (3)(II) OF THIS SECTION OF THE NUMBERS OF INDIVIDUALS
26 HAVING ANY OF THE TARGETED CANCERS OR WHO DIED FROM ANY OF THE
27 TARGETED CANCERS SHALL BE BASED ON THE MOST RECENT DATA AVERAGED OVER
28 A MULTIYEAR PERIOD AS DETERMINED BY THE DEPARTMENT.

29 (E) THE ALLOCATION FORMULA CALCULATED IN ACCORDANCE WITH
30 SUBSECTION (B) OF THIS SECTION FOR FISCAL YEAR 2004 SHALL REMAIN IN EFFECT
31 FOR THE FOLLOWING 3 YEARS AND THEREAFTER BE RECALCULATED EVERY 4TH
32 YEAR IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.

33 13-1303.

34 (d) (2) The Office of Legislative Audits shall audit the accounts and
35 transactions of the Governor's Wellmobile Program [annually] in accordance with §§
36 2-1220 through 2-1227 of the State Government Article.

1 15-103.3.

2 (c) (1) (I) [The] EXCEPT AS OTHERWISE PROVIDED IN THIS PARAGRAPH,
 3 THE Fund shall be used exclusively for the provider reimbursement budget under the
 4 HealthChoice Program, including providing financial incentives designed to improve
 5 the quality of care to managed care organizations that exceed performance targets.

6 (II) FOR FISCAL YEARS 2004 THROUGH 2006, THE FUND SHALL BE
 7 USED EXCLUSIVELY TO PROVIDE GRANTS TO THE MARYLAND MEDBANK PROGRAM.

8 (III) THE GRANT TO THE MARYLAND MEDBANK PROGRAM UNDER
 9 THIS SECTION MAY NOT EXCEED:

- 10 1. \$2,000,000 IN FISCAL 2004;
 11 2. \$1,000,000 IN FISCAL 2005; AND
 12 3. \$500,000 IN FISCAL 2006.

13 15-301.

14 (c) The Maryland Children's Health Program shall be administered:

15 (1) For individuals whose family income is at or below 200 percent of the
 16 federal poverty guidelines, through the program under Subtitle 1 of this title
 17 requiring individuals to enroll in managed care organizations; or

18 (2) For eligible individuals whose family income is above 200 percent,
 19 but at or below 300 percent of the federal poverty guidelines, [through the MCHP
 20 private option plan] THROUGH THE PROGRAM UNDER SUBTITLE 1 OF THIS TITLE
 21 REQUIRING INDIVIDUALS TO ENROLL IN MANAGED CARE ORGANIZATIONS AND
 22 UNDER THE REQUIREMENTS under § 15-301.1 of this subtitle.

23 15-301.1.

24 (a) (1) In this section the following words have the meanings indicated.

25 [(2) "Carrier" means:

26 (i) An insurer;

27 (ii) A nonprofit service plan;

28 (iii) A health maintenance organization; or

29 (iv) Any other person that provides health benefit plans subject to
 30 regulation by the State.]

31 [(3) (2) "Eligible individual" means an individual who qualifies to
 32 participate in the Maryland Children's Health Program under § 15-301(b) of this

1 subtitle and whose family income is above 200 percent, but at or below 300 percent of
2 the federal poverty guidelines.

3 ~~[(4)]~~ (3) "Family contribution" means the portion of the premium cost
4 paid for an eligible individual to enroll and participate in the Maryland Children's
5 Health Program.

6 ~~[(5)]~~ "MCHP private option plan" means the plan established under this
7 section to provide access to health insurance coverage to eligible individuals through
8 employer-sponsored health benefit plans and managed care organizations under the
9 Maryland Children's Health Program.]

10 (b) This section applies only to individuals whose family income is above 200
11 percent, but at or below 300 percent of the federal poverty guidelines.

12 (c) (1) An eligible individual who is enrolled in the MCHP private option
13 plan shall be insured through an employer's health benefit plan if:

14 (i) The employer offers family health insurance coverage to the
15 parent or guardian of an eligible individual;

16 (ii) The employer elects to participate in the MCHP private option
17 plan;

18 (iii) The parent or guardian of an eligible individual is insured
19 under the employer-sponsored health benefit plan;

20 (iv) The employer contributes to family health insurance coverage
21 at a rate no less than 30 percent of annual premiums;

22 (v) The plan includes a benefit package that is determined by the
23 Department to be at least equivalent to the Comprehensive Standard Health Benefit
24 Plan established under § 15-1207 of the Insurance Article; and

25 (vi) The plan does not impose cost sharing requirements on eligible
26 individuals.

27 (2) (i) The State's cost for coverage of an eligible individual enrolled in
28 the MCHP private option plan may not be greater than the cost of coverage if the
29 eligible individual was insured through a managed care organization as defined in §
30 15-101(f) of this title.

31 (ii) If an employer-sponsored health benefit plan that meets the
32 criteria under paragraph (1) of this subsection is not available to the eligible
33 individual or if the Department determines that the employer-sponsored health
34 benefit plan is not cost effective as required in item (i) of this paragraph, the eligible
35 individual shall be insured through a managed care organization as defined in §
36 15-101(f) of this title.

1 (d) The Department shall facilitate coverage of eligible individuals under an
2 employer-sponsored health benefit plan by:

3 (1) Evaluating employer-sponsored health benefit plans to determine
4 whether specific plans meet applicable State and federal requirements;

5 (2) Assisting employers that wish to participate in the MCHP private
6 option plan to meet the eligibility criteria established under subsection (c) of this
7 section;

8 (3) Collecting the family contribution under subsection (e) of this section;

9 (4) Forwarding the family contribution and the State's portion of the
10 premium directly to the carrier; and

11 (5) Assisting employers in enrolling the eligible dependents of employees
12 in the employer-sponsored health benefit plan.]

13 [(e)] (C) (1) As a requirement of enrollment and participation in [the
14 MCHP private option plan, through either an employer-sponsored health benefit
15 plan or] a managed care organization, the parent or guardian of an eligible individual
16 shall agree to pay the following annual family contribution:

17 (i) For an eligible individual whose family income is above 200
18 percent, but at or below 250 percent of the federal poverty guidelines, an amount
19 equal to 2 percent of the annual income of a family of two at 200 percent of the federal
20 poverty guidelines; and

21 (ii) For an eligible individual whose family income is above 250
22 percent, but at or below 300 percent of the federal poverty guidelines, an amount
23 equal to 2 percent of the annual income of a family of two at 250 percent of the federal
24 poverty guidelines.

25 (2) The family contribution amounts required under paragraph (1) of
26 this subsection apply on a per family basis regardless of the number of eligible
27 individuals each family has enrolled in the [MCHP private option plan] MANAGED
28 CARE ORGANIZATION.

29 [(f)] (D) The Department shall adopt regulations necessary to implement this
30 section.

31 15-303.

32 (a) (1) The Department shall be responsible for enrolling program recipients
33 in managed care organizations [and employer-sponsored health benefit plans] under
34 the Maryland Children's Health Program established under §§ 15-301 and 15-301.1
35 of this subtitle.

1 18-108.

2 (c) The Governor shall include in the annual budget State general funds of at
3 least [\$1,000,000] \$250,000 to cover the administrative and food costs of the
4 Program.

5 **Article - Labor and Employment**

6 5.5-106.

7 (a) (1) The proposed budget of the Division of Labor and Industry shall
8 include an appropriation from the [General Fund of the State] PUBLIC SERVICE
9 COMMISSION to cover the cost of administering this title.

10 (2) Unless the Board of Public Works exercises the option under
11 subsection (b) of this section, the Public Service Commission shall [reimburse the
12 General Fund for] PAY the cost of administering this title from money the Public
13 Service Commission receives under § 2-110 of the Public Utility Companies Article.

14 (b) (1) The Board of Public Works may adopt a regulation to assess, fairly
15 and as equally as possible, each railroad company operating in the State the cost of
16 the State's share of activities under this title.

17 (2) The amount to be [reimbursed to the State General Fund] PAID BY
18 THE PUBLIC SERVICE COMMISSION may not exceed \$1 million in any fiscal year.

19 **Article - Natural Resources**

20 8-709.

21 (d) Notwithstanding the provisions of subsection (a) of this section, for each of
22 fiscal years 2003 and 2004, as provided in the State budget, the Department may use
23 [up to 50% of] the moneys in the Waterway Improvement Fund for administrative
24 expenses directly relating to implementing the purposes of the Waterway
25 Improvement Fund.

26 **Article - State Finance and Procurement**

27 7-210.

28 (a) (1) A budget amendment may not change any language or substantive
29 provision in the State budget.

30 [(b)] (2) The limitation in this [section] SUBSECTION does not apply to the
31 monetary figures of an appropriation.

32 (B) A BUDGET AMENDMENT MAY NOT TRANSFER ANY PART OF A GENERAL
33 FUND CAPITAL APPROPRIATION TO AN OPERATING PROGRAM OR PURPOSE.

1 7-309.

2 (a) There is a State Reserve Fund.

3 (b) The State Reserve Fund comprises:

4 (1) the Dedicated Purpose [Fund] ACCOUNT;

5 (2) the Revenue Stabilization [Fund] ACCOUNT;

6 (3) the Economic Development Opportunities Program [Fund]
7 ACCOUNT;

8 (4) the Catastrophic Event [Fund] ACCOUNT; and

9 (5) the Joseph Fund ACCOUNT.

10 7-310.

11 (a) In this section ["Fund"] "ACCOUNT" means the Dedicated Purpose [Fund]
12 ACCOUNT.

13 (b) The Dedicated Purpose [Fund] ACCOUNT is established:

14 (1) to retain appropriations for major, multi-year expenditures where
15 the magnitude and timing of cash needs are uncertain; and

16 (2) beginning in fiscal year 1996, to meet specific expenditure
17 requirements.

18 (c) The Governor may provide an appropriation in the budget bill to the
19 [Fund] ACCOUNT for a specific purpose or purposes.

20 (d) [(1) For those appropriations to the Fund designated for a specific
21 purpose, the Governor may:

22 (i) include the funds as special funds in the State budget subject to
23 appropriation by the General Assembly; or

24 (ii) after notice to and approval by the Legislative Policy
25 Committee transfer the specific purpose funds by budget amendment from the Fund
26 to the expenditure account of the appropriate unit of State government.

27 (2) For [those appropriations] EACH APPROPRIATION to the [Fund for a
28 general purpose] ACCOUNT, the Governor may:

29 [(i) (1) include the funds in the State budget subject to appropriation
30 by the General Assembly; or

31 [(ii) (2) transfer the [general purpose] funds by budget amendment
32 from the [Fund] ACCOUNT to the expenditure account of the appropriate unit of

1 State government only after the proposed budget amendment has been submitted to
2 the Senate Budget and Taxation Committee and the House Appropriations
3 Committee of the General Assembly and approved by the Legislative Policy
4 Committee.

5 (e) The [Fund] ACCOUNT is a continuing, nonlapsing fund which is not
6 subject to § 7-302 of this subtitle.

7 (f) (1) The unspent balance of an appropriation to the [Fund] ACCOUNT
8 reverts to the Revenue Stabilization [Fund] ACCOUNT 4 years after the end of the
9 fiscal year for which the appropriation was made.

10 (2) If the Governor determines that certain funds in the [Fund]
11 ACCOUNT are no longer needed for the purpose for which they were originally
12 appropriated, those funds may be transferred by budget amendment to the Revenue
13 Stabilization [Fund] ACCOUNT after the proposed budget amendment has been
14 submitted to the Senate Budget and Taxation Committee and the House
15 Appropriations Committee of the General Assembly and approved by the Legislative
16 Policy Committee.

17 7-311.

18 (a) In this section ["Fund"], "ACCOUNT" means the Revenue Stabilization
19 [Fund] ACCOUNT.

20 (b) The Revenue Stabilization [Fund] ACCOUNT is established to retain State
21 revenues for future needs and reduce the need for future tax increases by moderating
22 revenue growth.

23 (c) The [Fund] ACCOUNT is a continuing, nonlapsing fund which is not
24 subject to § 7-302 of this subtitle.

25 (d) The [Fund] ACCOUNT consists of:

26 (1) moneys appropriated in the State budget to the [Fund] ACCOUNT;
27 and

28 (2) interest or other income earned from the investment of any portion of
29 this [Fund] ACCOUNT or any other account in the State Reserve Fund.

30 (e) Except as provided in subsection (f) of this section, [beginning in fiscal
31 year 1995 and] for each [subsequent] fiscal year [,]:

32 (1) IF THE ACCOUNT BALANCE IS BELOW 3% OF THE ESTIMATED
33 GENERAL FUND REVENUES FOR THAT FISCAL YEAR, THE GOVERNOR SHALL
34 INCLUDE IN THE BUDGET BILL AN APPROPRIATION TO THE ACCOUNT EQUAL TO AT
35 LEAST \$100,000,000; AND

36 (2) IF THE ACCOUNT BALANCE IS AT LEAST 3% BUT LESS THAN 5% OF
37 THE ESTIMATED GENERAL FUND REVENUES FOR THAT FISCAL YEAR, the Governor

1 shall include in the budget bill an appropriation to the Fund equal to at least the
2 lesser of \$50,000,000 or whatever amount is required for the [Fund] ACCOUNT
3 balance to exceed 5% of the estimated General Fund revenues for that fiscal year.

4 (f) The appropriations required by subsection (e) of this section are not
5 required when the [Fund] ACCOUNT balance exceeds 5% of the estimated General
6 Fund revenues.

7 (g) If authorized by an act of the General Assembly or specifically authorized
8 in the State budget bill as enacted, the Governor may transfer funds from the [Fund]
9 ACCOUNT to General Fund revenues.

10 (h) If the budget bill as submitted to the General Assembly includes a transfer
11 of funds from the [Fund] ACCOUNT pursuant to subsection (g) of this section, the
12 budget bill as enacted by the General Assembly may provide for a reduction of the
13 amount of the transfer from the [Fund] ACCOUNT by an amount up to the amount of
14 the reductions made by the General Assembly in the General Fund appropriations.

15 (i) Funds of the [Fund] ACCOUNT may only be transferred from the [Fund]
16 ACCOUNT as provided in this section and are not subject to transfer by budget
17 amendment.

18 (j) (1) Except as provided in paragraph (2) of this subsection, for fiscal year
19 2004 and for each subsequent fiscal year, the Governor shall include in the budget bill
20 an appropriation to the [Fund] ACCOUNT equal to the amount by which the
21 unappropriated General Fund surplus as of June 30 of the second preceding fiscal
22 year exceeds \$10,000,000.

23 (2) The appropriation required under this subsection for any fiscal year
24 may be reduced by the amount of any appropriation to the [Fund] ACCOUNT required
25 to be included for that fiscal year under subsection (e) of this section.

26 7-314.

27 (a) (1) In this section the following words have the meanings indicated.

28 (2) ["Fund"] "ACCOUNT" means the Economic Development
29 Opportunities Program [Fund] ACCOUNT.

30 (3) (i) "Performance requirement" means a contractual agreement
31 between an executive agency and [a Fund] AN ACCOUNT recipient that requires the
32 [Fund] ACCOUNT recipient to meet minimum economic development outcomes in
33 exchange for a grant or a loan under this section.

34 (b) Subject to the provisions of this section, the Economic Development
35 Opportunities Program [Fund] ACCOUNT is established to maximize extraordinary
36 economic development opportunities.

37 (c) The Governor may provide an appropriation in the budget bill to the
38 [Fund] ACCOUNT for a specific or general purpose or purposes.

1 (d) After notice to and approval by the Legislative Policy Committee, the
2 Governor may transfer funds by budget amendment from the Economic Development
3 Opportunities Program [Fund] ACCOUNT to the expenditure account of the
4 appropriate executive agency.

5 (e) (1) The [Fund] ACCOUNT is a continuing, nonlapsing fund which is not
6 subject to § 7-302 of this subtitle.

7 (2) The Treasurer shall separately hold, and the Comptroller shall
8 account for, the [Fund] ACCOUNT.

9 (3) The [Fund] ACCOUNT shall be invested and reinvested in the same
10 manner as other State funds.

11 (4) Except as provided in paragraph (5) of this subsection, any
12 investment earnings shall be subject to § 7-311(d) of this subtitle.

13 (5) Any investment earnings on moneys transferred from the [Fund]
14 ACCOUNT to a second continuing, nonlapsing fund may be retained to the credit of the
15 second fund.

16 (f) (1) Moneys appropriated or credited to the [Fund] ACCOUNT do not
17 revert to the Revenue Stabilization [Fund] ACCOUNT.

18 (2) Except as provided in paragraph (3) of this subsection, repayments of
19 principal or interest on any loan from the [Fund] ACCOUNT shall be retained to the
20 credit of the [Fund] ACCOUNT.

21 (3) Repayments of principal or interest on any loan made from moneys
22 transferred from the [Fund] ACCOUNT to a second continuing, nonlapsing fund may
23 be retained to the credit of the second fund.

24 (g) (1) The Department of Business and Economic Development shall report
25 to the Governor and, subject to § 2-1246 of the State Government Article, to the
26 General Assembly before January 1 of each year:

27 (ii) for the previous 3 fiscal years, the status of [Fund] ACCOUNT
28 disbursements for economic development projects approved by the Legislative Policy
29 Committee under this section; and

30 (h) (1) Except as provided in paragraph (2) of this subsection and in
31 subsection (i) of this section, any funds transferred from the Economic Development
32 Opportunities Program [Fund] ACCOUNT shall be used only for extraordinary
33 economic development opportunities that:

34 (i) meet the criteria provided in this section;

35 (ii) include performance requirements; and

1 (iii) in addition to the performance requirements under item (ii) of
2 this subsection, include a performance requirement that utilizes a claw-back
3 provision.

4 (2) The [Fund] ACCOUNT may pay an executive agency for
5 administrative, legal, or actuarial expenses incurred by the agency in connection with
6 transactions funded by transfers of moneys to the agency from the [Fund] ACCOUNT.

7 (k) Subject to the provisions of this subtitle, funds transferred from the
8 Economic Development Opportunities Program [Fund] ACCOUNT, to an executive
9 agency, may be loaned, granted, or invested for:

10 (1) assisting in the retention or expansion of existing private sector
11 enterprises, public or private institutions, or federal research and development
12 institutes;

13 (2) assisting in the establishment or attraction of private sector
14 enterprises, public or private institutions, or federal research and development
15 institutes new to this State; or

16 (3) providing assistance where existing State or local programs lack
17 sufficient resources or are constrained by timing or program design from being
18 utilized.

19 (1) Upon request for approval for the transfer of funds by budget amendment
20 from the [Fund] ACCOUNT, the Governor shall provide, subject to § 2-1246 of the
21 State Government Article, to the Legislative Policy Committee:

22 (1) a detailed description of:

23 (i) the proposed use of the funds;

24 (ii) the manner in which the proposed use meets the criteria as set
25 forth in this section;

26 (iii) the degree to which the proposed use of funds will advance
27 statewide or local economic development strategies and objectives; and

28 (iv) the degree to which available sources of federal, State, local,
29 and private financial support has been sought and will be utilized;

30 (2) the terms, conditions, and performance requirements of any grant or
31 loan for which the funds are to be used;

32 (3) a comprehensive economic analysis of the proposed use of the funds
33 which estimates:

34 (i) the economic impact to the State and the local jurisdictions
35 affected;

36 (ii) a minimum level of net economic benefits to the public sector;

1 (iii) the number of jobs expected to be created as a result of the
2 proposed economic development project and the percentage of those jobs that are
3 expected to be held by Maryland residents;

4 (iv) the wage rates and benefit packages for the jobs expected to be
5 created as a result of the proposed economic development project; and

6 (v) any other appropriate financial or economic benefits;

7 (4) any other analysis or information that is requested by the Legislative
8 Policy Committee; and

9 (5) the date on which the executive agency expects to disburse the funds
10 to the proposed recipient.

11 (m) If an executive agency fails to disburse transferred funds to a recipient
12 within 1 year after the expected disbursement date presented to the Legislative
13 Policy Committee under subsection (l) of this section, the funds will revert back to the
14 [Fund] ACCOUNT and the Governor shall:

15 (1) resubmit the request to the Legislative Policy Committee to transfer
16 funds by budget amendment to the [Fund] ACCOUNT; and

17 (2) provide the Legislative Policy Committee with the information
18 required under subsection (l) of this section.

19 (n) Funds appropriated to the Economic Development Opportunities Program
20 [Fund] ACCOUNT may not be loaned, granted, or invested for:

21 (1) substituting for funds from other State or local programs for which a
22 project may be eligible and sufficient resources exist;

23 (2) projects which are not likely to attract or retain employment
24 opportunities;

25 (3) funding projects located outside the State;

26 (4) construction or land acquisition by the Maryland Stadium Authority;
27 or

28 (5) funding for any sports activity or facility.

29 7-324.

30 (a) In this section, ["Fund"] "ACCOUNT" means the ["Catastrophic Event
31 Fund"] CATASTROPHIC EVENT ACCOUNT.

32 (b) Subject to the provisions of this section, the [Fund] ACCOUNT is
33 established to enable the State to respond without undue delay to a natural disaster
34 or other catastrophic situation that cannot be taken care of within the resources of
35 existing appropriations.

1 (c) The Governor may provide an appropriation in the budget bill to the
2 [Fund] ACCOUNT.

3 (d) After notice to and approval by the Legislative Policy Committee, the
4 Governor may transfer funds by budget amendment from the [Fund] ACCOUNT to
5 the expenditure accounts of the appropriate unit of State government.

6 (e) Funds appropriated to the Catastrophic Event [Fund] ACCOUNT:

7 (1) may not be used to offset operating deficiencies in regular programs
8 of State government; but

9 (2) may be expended to assist a unit of State government in funding
10 costs in connection with a natural disaster or catastrophic situation.

11 (f) (1) The [Fund] ACCOUNT is a continuing, nonlapsing fund which is not
12 subject to § 7-302 of this subtitle.

13 (2) The Treasurer shall separately hold, and the Comptroller shall
14 account for, the [Fund] ACCOUNT.

15 (3) The [Fund] ACCOUNT shall be invested and reinvested in the same
16 manner as other State funds.

17 (4) Any investment earning shall be subject to § 7-311(d) of this subtitle.

18 (g) Moneys appropriated to the [Fund] ACCOUNT do not revert to the
19 Revenue Stabilization [Fund] ACCOUNT.

20 7-325.

21 (a) [In this section, "Governor's proposed general fund appropriation" means
22 the general fund appropriation included by the Governor in the annual budget bill as
23 submitted to the General Assembly, before any amendment by the General Assembly.

24 (b) For each fiscal year, the [Governor's proposed general fund] GOVERNOR
25 SHALL INCLUDE IN THE ANNUAL BUDGET BILL SUBMITTED TO THE GENERAL
26 ASSEMBLY AN appropriation for the Maryland State Arts Council [shall be] IN AN
27 AMOUNT not less than the amount of the [Governor's proposed general fund]
28 appropriation for the Council AS APPROVED IN THE STATE BUDGET AS ENACTED BY
29 THE GENERAL ASSEMBLY for the [current] PRIOR fiscal year, increased by not less
30 than the percentage by which the projected total general fund revenues for the
31 upcoming fiscal year exceed the revised estimate of total general fund revenues for
32 the current fiscal year, as contained in the report of estimated State revenues
33 submitted by the Board of Revenue Estimates to the Governor under § 6-106(b) of
34 this article.

35 [(c)] (B) The Legislative Auditor has the authority to conduct a review or
36 audit of any recipient of a grant from the Maryland State Arts Council.

1 7-327.

2 (a) (1) In this section the following words have the meanings indicated.

3 (2) "Board" means the Joseph Fund Board.

4 (3) ["Fund"] "ACCOUNT" means the Joseph Fund ACCOUNT.

5 (4) "Unappropriated surplus" means the unappropriated General Fund
6 balance in a fiscal year as of June 30.

7 (b) The Joseph Fund ACCOUNT is established to set aside reserves in times of
8 economic prosperity and use those reserves to meet the emergency needs of
9 economically disadvantaged citizens of the State, especially in times of economic
10 downturn.

11 (c) (1) The [Fund] ACCOUNT is a continuing, nonlapsing fund which is not
12 subject to § 7-302 of this subtitle.

13 (2) The Treasurer shall separately hold and the Comptroller shall
14 account for the [Fund] ACCOUNT.

15 (3) Notwithstanding any other provision of law, the Treasurer may
16 invest moneys in the [Fund] ACCOUNT in a manner consistent with the investment
17 of moneys by the State Retirement and Pension System.

18 (4) Any investment earnings of the [Fund] ACCOUNT shall be paid into
19 the [Fund] ACCOUNT.

20 (d) The [Fund] ACCOUNT consists of:

21 (1) moneys appropriated in the State budget to the [Fund] ACCOUNT;

22 (2) earnings from the investment of moneys in the [Fund] ACCOUNT;

23 and

24 (3) any other moneys accepted for the benefit of the [Fund] ACCOUNT
25 from any governmental or private source.

26 (e) For fiscal year 2002 and each subsequent fiscal year, the Governor may
27 include in the budget bill an appropriation to the Joseph Fund ACCOUNT equal to the
28 lesser of:

29 (1) 20% of the unappropriated surplus as of the end of the fiscal year two
30 years prior to the fiscal year for which the appropriation is proposed; or

31 (2) \$5,000,000.

32 (g) (1) The Board shall advise the Governor on the management of the
33 [Fund] ACCOUNT.

1 (i) FOR THE FISCAL YEAR BEGINNING JULY 1, 2002, \$47,268,585
 2 shall be allocated to the general fund of the State AND THE REMAINDER SHALL BE
 3 ALLOCATED AS PROVIDED IN SUBSECTION (D) OF THIS SECTION;

4 (II) FOR THE FISCAL YEAR BEGINNING JULY 1, 2003, \$102,833,869
 5 SHALL BE ALLOCATED TO THE GENERAL FUND OF THE STATE ; AND THE REMAINDER
 6 SHALL BE ALLOCATED AS PROVIDED IN THE STATE BUDGET; AND

7 (III) FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, ~~\$100,000,000~~ AN
 8 AMOUNT EQUAL TO 50% OF THE ESTIMATED FISCAL YEAR 2005 REVENUE FOR THE
 9 SPECIAL FUND SHALL BE ALLOCATED TO THE GENERAL FUND OF THE STATE, AND
 10 THE REMAINDER SHALL BE ALLOCATED AS PROVIDED IN SUBSECTION (D) OF THIS
 11 SECTION;~~and~~

12 ~~[(ii)]~~ (IV) ~~The remainder shall be allocated as provided in subsection~~
 13 ~~(d) of this section.~~

14 (2) Subject to subsection (e) of this section, for the fiscal years beginning
 15 July 1, [2004] 2005 and each subsequent fiscal year, the balance of the revenue in the
 16 special fund, not required under subsection (b) of this section shall be allocated as
 17 provided in subsection (d) of this section.

18 Article - Transportation

19 12-120.

20 (d) [If the Administration alters the level of any miscellaneous fee as
 21 authorized under subsection (c) of this section, the] THE Administration shall set the
 22 levels of miscellaneous fees so that the total amount of projected revenues from all
 23 miscellaneous fees for the upcoming fiscal year is at least [85] 95 percent but does not
 24 exceed [90] 100 percent of the sum of:

25 (1) The operating budget of the Administration for that fiscal year as
 26 approved by the General Assembly in the annual State budget; and

27 (2) The Administration's portion of the cost for that fiscal year of the
 28 Department's data center operations, except for the cost of data center operations
 29 attributable to other administrations' activities.

30 (e) (1) The Administration may not alter miscellaneous fees more than once
 31 in any fiscal year.

32 (2) The Administration need not reduce fees for the upcoming fiscal year
 33 if legislative budget modifications cause the projected cost recovery percentage to
 34 exceed [90] 100 percent.

35 (3) The level of a miscellaneous fee set by the Administration remains in
 36 effect until again altered by the Administration as provided under this section.

1 funds appropriated to the Dedicated Purpose Account for the Purchase of Child Care
 2 Program may not revert to the Revenue Stabilization Account even if those funds are
 3 unspent 4 years after the end of the fiscal year for which the appropriation was
 4 made.]

5

Chapter 121 of the Acts of 1999

6 SECTION 4. AND BE IT FURTHER ENACTED, That for fiscal year [2001]
 7 2004 ~~and each fiscal year thereafter~~, the Governor shall include not less than
 8 [\$21,000,000] \$18,000,000 in the annual budget in appropriations for activities aimed
 9 at reducing tobacco use in Maryland as recommended by the Centers for Disease
 10 Control and Prevention, including:

11 (1) Media campaigns aimed at reducing smoking initiation and
 12 encouraging smokers to quit smoking;

13 (2) Media campaigns educating the public about the dangers of
 14 secondhand smoke exposure;

15 (3) Enforcement of existing laws banning the sale or distribution of
 16 tobacco products to minors;

17 (4) Promotion and implementation of smoking cessation programs; and

18 (5) Implementation of school-based tobacco education programs.

19

Chapter 309 of the Acts of 2000

20 ~~[SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland~~
 21 ~~read as follows:~~

22

~~Article - Business Regulation~~

23 ~~11-402.~~

24 ~~The special fund consists of:~~

25 (1) ~~the State share of daily license fees;~~

26 (2) ~~pari-mutuel taxes;~~

27 (3) ~~the impact aid under § 11-812 of this title; and~~

28 (4) ~~any permit fees under §§ 11-820 and 11-832 of this title.~~

29 ~~11-803.~~

30 (a) ~~If a winning ticket is not redeemed within 1 year, the licensee into whose~~
 31 ~~betting pool the bet was placed shall pay the amount needed to redeem the ticket to~~

1 the Commission, to be credited to the Racing Facility Redevelopment Bond Fund
2 under Subtitle 12 of this title.

3 (b) Every year for the preceding calendar year, each licensee shall:

4 (1) report to the Commission the amount payable to the Commission
5 under this section; and

6 (2) pay that amount to the Commission, whichever is applicable.

7 (c) (1) The license of a licensee shall be revoked if the licensee:

8 (i) fails to report when money under this section is due; or

9 (ii) knowingly or willfully submits a report that understates the
10 amount due.

11 (2) A licensee whose license is revoked under this subsection may not
12 hold a license for at least 1 year.]

13 SECTION 5. AND BE IT FURTHER ENACTED, That [Sections] SECTION 2
14 [and 3] of this Act shall remain effective until the bonds issued by the Maryland
15 Economic Development Corporation for the purposes of this Act, and the obligations
16 thereunder, have been fully satisfied and are expired, and with no further action
17 required by the General Assembly, [Sections] SECTION 2 [and 3] of this Act shall be
18 abrogated and of no further force and effect.

19

Chapter 285 of the Acts of 2002

20 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 July 1, 2002. Section 1 of this Act shall remain in effect for a period of 1 year [and 6
22 months] and, at the end of [December 31] JUNE 30, 2003, with no further action
23 required by the General Assembly, Section 1 of this Act shall be abrogated and of no
24 further force and effect.

25

Chapter 440 of the Acts of 2002

26 [SECTION 25. AND BE IT FURTHER ENACTED, That notwithstanding §
27 16-319 or § 7-302 of the Education Article or any other provision of law, the portion
28 of fiscal year 2002 and 2003 payments required under § 16-319 of the Education
29 Article for private technology donation incentives or under § 17-302 of the Education
30 Article for private donation incentives that are not funded in the fiscal 2003 budget
31 shall be deferred until fiscal year 2004.]

Chapter 453 of the Acts of 2002

SECTION 3. AND BE IT FURTHER ENACTED, That:

(1) Beginning in fiscal year [2004] 2007 and each fiscal year thereafter, each county and Baltimore City shall use the savings resulting from this Act solely to increase local expenditures for the circuit courts or related public safety purposes;

(2) In fiscal years [2004] 2007 through [2011] 2014, each county and Baltimore City shall report to the Department of Budget and Management on or before November 1 on circuit court or related public safety expenditures to which the savings resulting from this Act have been applied. The Department of Budget and Management shall report these expenditures to the Chief Judge of the Court of Appeals and, subject to § 2-1246 of the State Government Article, to the General Assembly; and

(3) Circuit court or related public safety expenditures required under this section shall be used to supplement and may not supplant existing local expenditures for the same purpose.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, [2003] 2006.

Chapter 464 of the Acts of 2002

SECTION 3. AND BE IT FURTHER ENACTED, That:

(b) [(1)] The Department may not implement a reduction in the pharmacy reimbursement rate until October 1, 2002.

[(2)] The Department of Health and Mental Hygiene may not increase the total copayment collection from enrollees in the Medicaid program, including enrollees in managed care organizations.]

(f) The Department of Health and Mental Hygiene may implement measures to encourage the use of medically appropriate generic drugs and those brand name drugs on a preferred drug list, including:

(1) The use of tiered copayments for Medicaid and the Maryland Pharmacy Assistance Program [provided that the amounts set for those copayments do not result in an increase in total copayment collections];

(2) The use of differential dispensing fees to pharmacies provided that the amounts set for those dispensing fees remain revenue neutral;

(3) The use of consultation payments to pharmacies, similar to those used in the State Employee Health Benefits Plan, to encourage communication between patients, prescribers, and pharmacists regarding cost-effective drug therapies; and

1 (4) The implementation of education programs on the use of preferred
2 drugs for prescribers that participate in the Medicaid and Maryland Pharmacy
3 Assistance Programs.

4 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
5 read as follows:

6 **Article 41- Governor - Executive and Administrative Departments**

7 4-403.

8 (b) [For] SUBJECT TO SUBSECTION (D) OF THIS SECTION, FOR the fiscal year
9 beginning July 1, [1975] 2004, and thereafter, the State shall pay to each subdivision,
10 and to each qualifying municipality, each year in the manner and subject to the
11 limitations and requirements hereinafter provided, an amount determined as follows:

12 (1) Share in Basic Expenditure. If the aggregate expenditures for police
13 protection in a subdivision equal or exceed \$6.00 per capita, the State shall pay to the
14 subdivision the amount, if any, by which the equivalent of \$6.00 per capita exceeds
15 0.09% of the wealth base. If the aggregate expenditures for police protection in a
16 subdivision are less than \$6.00 per capita, the State shall pay to the subdivision the
17 amount, if any, by which aggregate expenditures for police protection exceed that
18 proportion of 0.09 percent of the wealth base which aggregate expenditures for police
19 protection bear to the equivalent of \$6.00 per capita.

20 (2) Share Over the Basic Expenditure. In addition to the amount, if any,
21 payable under paragraph (1) of this subsection, the State shall pay to each
22 subdivision an amount equal to 25% of the amount, if any, by which aggregate
23 expenditures for police protection exceed the equivalent of \$6.00 per capita. Provided
24 however:

25 (i) For subdivisions with a population density less than 100 per
26 square mile, and less than 30% of total population residing in municipalities, there
27 shall be no payment under this paragraph.

28 (ii) For subdivisions with population density 100 or more but less
29 than 500 per square mile, and for subdivisions with population density less than 100
30 per square mile but with 30% or more of total population residing in municipalities,
31 payment under this paragraph shall not exceed the equivalent of \$3.50 per capita.

32 (iii) For subdivisions with population density 500 or more but less
33 than 900 per square mile, payment under this paragraph shall not exceed the
34 equivalent of \$7.50 per capita.

35 (iv) For subdivisions with population density 900 or more but less
36 than 1,100 per square mile, payment under this paragraph shall not exceed the
37 equivalent of \$8.00 per capita.

1 (v) For subdivisions with population density 1,100 or more but less
2 than 1,300 per square mile, payment under this paragraph shall not exceed the
3 equivalent of \$9.25 per capita.

4 (vi) For subdivisions with population density 1,300 or more but less
5 than 8,000 per square mile, payment under this paragraph shall be 25% of the
6 amount by which aggregate expenditures for police protection exceed the equivalent
7 of \$6.00 per capita but do not exceed the equivalent of \$36.00 per capita and 50% of
8 the amount by which aggregate expenditures for police protection exceed the
9 equivalent of \$36.00 per capita but do not exceed the equivalent of \$45.50 per capita.

10 (vii) For subdivisions with population density 8,000 or more per
11 square mile, payment under this paragraph shall be 25% of the amount by which
12 aggregate expenditures for police protection exceed the equivalent of \$6.00 per capita
13 but do not exceed the equivalent of \$36.00 per capita and 50% of the amount by which
14 aggregate expenditures for police protection exceed the equivalent of \$36.00 per
15 capita but do not exceed the equivalent of \$101.50 per capita.

16 (3) Minimum Grant. The State shall pay to each subdivision the amount,
17 if any, by which the equivalent of \$2.50 per capita exceeds the total payments
18 determined under paragraphs (1) and (2) of this subsection. No subdivision for which
19 the population estimate is less than the population estimated for the first year of this
20 grant shall receive in any year a smaller amount of State aid for police protection
21 than it received in any previous year, provided it has not reduced the level of
22 expenditure for police protection which entitled it to the amount of that previous
23 year's grant.

24 (4) Incentive Grant. In addition to the payments made under paragraphs
25 (1), (2), and (3) of this subsection, the State shall pay to each subdivision with a
26 population density of less than 500 per square mile, an amount the equivalent of
27 \$2.00 per capita.

28 (5) Supplemental Grant. (i) In addition to the payments made under
29 paragraphs (1), (2), (3) and (4) of this subsection, the State shall pay:

30 1. To each subdivision, subject to subparagraph (ii) of this
31 paragraph, an amount the equivalent of \$2.50 per capita; and

32 2. To Baltimore City, an amount the equivalent of fifty cents
33 per capita.

34 (ii) The State shall allocate and distribute the supplemental grant
35 to each subdivision among the subdivisions and the qualifying municipalities in those
36 subdivisions on a per capita basis.

37 (6) Additional Grant. For the fiscal year ending June 30, 1981, and for
38 each fiscal year thereafter, an additional grant equal to 10 percent of the total of the
39 payments determined under paragraphs (1), (2), (3) and (4) of this subsection, or an
40 amount which shall not exceed the equivalent of \$1 per capita, whichever is the
41 larger, shall be paid to the subdivisions.

1 (7) Minimum Payment in Certain Years. Each subdivision shall be paid
 2 that amount, if any, by which the grant paid to the subdivision in the fiscal year
 3 ending June 30, 1984 exceeds the total payments determined under paragraphs (1),
 4 (2), (3), (4), (5) and (6) of this subsection.

5 (8) Municipal Sworn Officer Allocation. The State shall pay to each
 6 qualifying municipality, in addition to the payments made under paragraphs (1)
 7 through (7) of this subsection an amount equal to \$1,800 for each sworn police officer
 8 actually employed on a full-time basis by the qualifying municipality, as determined
 9 by the Secretary of State Police.

10 (D) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
 11 MEANINGS INDICATED.

12 (II) "CRIME ASSESSMENT" MEANS AN AMOUNT OBTAINED FOR
 13 EACH SUBDIVISION OR BALTIMORE CITY BY MULTIPLYING THE PERCENT OF TOTAL
 14 PART I CRIMES IN THE STATE THAT WERE COMMITTED IN THE SUBDIVISION OR
 15 BALTIMORE CITY BY 10 PERCENT OF THE COSTS FOR THE CRIME LABORATORY OF
 16 THE STATE POLICE AS PROVIDED IN THE STATE BUDGET FOR THE FISCAL YEAR OF
 17 THE ASSESSMENT.

18 (III) "PART I CRIMES" MEANS THE CRIMES REPORTED BY THE STATE
 19 POLICE AS PART I CRIMES IN THE ANNUAL UNIFORM CRIME REPORT FOR THE
 20 CALENDAR YEAR THAT ENDED THE FISCAL YEAR PRECEDING THE FISCAL YEAR OF
 21 THE CRIME ASSESSMENT.

22 (IV) "WEALTH ASSESSMENT" MEANS AN AMOUNT OBTAINED FOR
 23 EACH SUBDIVISION OR BALTIMORE CITY BY MULTIPLYING THE PERCENT OF THE
 24 TOTAL WEALTH BASE OF THE STATE THAT IS ATTRIBUTABLE TO THE WEALTH BASE
 25 OF THE SUBDIVISION OR BALTIMORE CITY BY 20 PERCENT OF THE COSTS FOR THE
 26 CRIME LABORATORY OF THE STATE POLICE AS PROVIDED IN THE STATE BUDGET
 27 FOR THE FISCAL YEAR OF THE ASSESSMENT.

28 (2) FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, AND FOR EACH
 29 FISCAL YEAR THEREAFTER, THE AMOUNT DETERMINED UNDER SUBSECTION (B) OF
 30 THIS SECTION FOR EACH SUBDIVISION OR BALTIMORE CITY SHALL BE REDUCED BY
 31 THE SUM OF THE CRIME ASSESSMENT AND THE WEALTH ASSESSMENT FOR THE
 32 SUBDIVISION OR BALTIMORE CITY.

33 SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding Article
 34 88B, § 66 of the Code, for fiscal year 2004, the amounts to be paid to a county or
 35 Baltimore City from the State Aid for Police Protection Fund shall be reduced by the
 36 following amounts, reflecting each jurisdiction's share of the costs of the State Police
 37 Crime Lab:

38	<u>Allegany County</u>	<u>\$20,026</u>
39	<u>Anne Arundel County</u>	<u>243,132</u>
40	<u>Baltimore City</u>	<u>295,714</u>
41	<u>Baltimore County</u>	<u>341,939</u>

1	<u>Calvert County</u>	<u>33,622</u>
2	<u>Caroline County</u>	<u>9,238</u>
3	<u>Carroll County</u>	<u>57,108</u>
4	<u>Cecil County</u>	<u>32,269</u>
5	<u>Charles County</u>	<u>52,659</u>
6	<u>Dorchester County</u>	<u>10,662</u>
7	<u>Frederick County</u>	<u>82,723</u>
8	<u>Garrett County</u>	<u>9,875</u>
9	<u>Harford County</u>	<u>84,532</u>
10	<u>Howard County</u>	<u>132,895</u>
11	<u>Kent County</u>	<u>7,211</u>
12	<u>Montgomery County</u>	<u>491,768</u>
13	<u>Prince George's County</u>	<u>377,314</u>
14	<u>Queen Anne's County</u>	<u>18,255</u>
15	<u>St. Mary's County</u>	<u>30,197</u>
16	<u>Somerset County</u>	<u>5,416</u>
17	<u>Talbot County</u>	<u>18,970</u>
18	<u>Washington County</u>	<u>43,040</u>
19	<u>Wicomico County</u>	<u>33,736</u>
20	<u>Worcester County</u>	<u>33,143</u>

21 SECTION 4. AND BE IT FURTHER ENACTED, That the Laws of Maryland
 22 read as follows:

23 **Article - Education**

24 5-216.

25 (d) (2) The percentage component shall be calculated as follows:

26 (iv) For fiscal year 2004, the county board shall receive an amount
 27 that is equal to [50%] 25% of the amount of the percentage component received by
 28 the county board in fiscal year 2002; and

29 (3) (iii) For fiscal year 2004, the county board shall receive an amount
 30 that is equal to [50%] 25% of the amount of the wealth adjusted component received
 31 by the county board in fiscal year 2002.

32 SECTION 5. AND BE IT FURTHER ENACTED, That, notwithstanding any
 33 other provision of law, for fiscal year 2004 only, for the purposes of § 5-202(b)(3) of the
 34 Education Article, the calculation of a county's highest local appropriation to its
 35 school operating budget for the prior fiscal year shall exclude disparity grant funds
 36 required by Chapter 439 of the Acts of 2002 (Fiscal Year 2003 Operating Budget).

1 SECTION 6. AND BE IT FURTHER ENACTED, That Section(s) 18-1301
 2 through 18-1319 and the subtitle "Subtitle 13. Maryland Higher Education
 3 Supplemental Loan Authority" of Article - Education of the Annotated Code of
 4 Maryland be repealed.

5 ~~SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding~~
 6 ~~§ 16-305 of the Education Article or any other provision of law, the appropriations for~~
 7 ~~fiscal year 2004 required under § 16-305(e) and (f) of the Education Article shall be as~~
 8 ~~follows:~~

9	Allegany College	\$3,619,507
10	Anne Arundel Community College	20,673,189
11	Community College of Baltimore County	32,130,873
12	Carroll Community College	4,512,106
13	Cecil Community College	2,963,326
14	College of Southern Maryland	7,623,695
15	Chesapeake College	4,192,473
16	Frederick Community College	5,465,367
17	Garrett Community College	1,765,674
18	Hagerstown Junior College	4,496,836
19	Harford Community College	7,396,632
20	Howard Community College	8,193,822
21	Montgomery College	26,605,077
22	Prince George's Community College	17,913,286
23	Wor Wic Community College	4,704,860

24 ~~SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding~~
 25 ~~§ 16-512 of the Education Article or any other provision of law, the appropriations for~~
 26 ~~fiscal year 2004 required under § 16-512 of the Education Article to Baltimore City~~
 27 ~~Community College shall be \$31,433,101.~~

28 ~~SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding~~
 29 ~~§ 17-104 of the Education Article or any other provision of law, the appropriations for~~
 30 ~~fiscal year 2004 required under § 17-104 of the Education Article shall be as follows:~~

31	Baltimore Hebrew University	\$124,411
32	Baltimore International College	577,930
33	Capitol College	568,267
34	College of Notre Dame	1,705,271
35	Columbia Union College	1,011,869
36	George Meany Center NCL	822,233
37	Goucher College	1,895,547
38	Hood College	1,161,850
39	Johns Hopkins University	17,573,143

1	Loyola College	5,480,081
2	Maryland Institute, College of Art	1,790,063
3	McDaniel College	2,849,124
4	Mount St. Mary's College	1,857,136
5	St. John's College	749,206
6	Sojourner Douglass College	1,282,758
7	Villa Julie College	2,607,344
8	Washington College	1,692,794

9 ~~SECTION 5. AND BE IT FURTHER ENACTED, That, notwithstanding the~~
10 ~~provisions of § 14-405 of the Education Article or any other provision of law, in fiscal~~
11 ~~year 2004 the State General Fund appropriation to St. Mary's College of Maryland~~
12 ~~shall not exceed \$14,315,970.~~

13 ~~SECTION 6. AND BE IT FURTHER ENACTED, That, notwithstanding the~~
14 ~~provisions of § 7-325 of the State Finance and Procurement Article or any other~~
15 ~~provision of law, in fiscal year 2004 the State General Fund appropriation to the State~~
16 ~~Arts Council shall not exceed \$12,280,142.~~

17 ~~SECTION 7. AND BE IT FURTHER ENACTED, That, notwithstanding the~~
18 ~~provisions of Chapter 439 of the Acts of 2002 (the Budget Bill for Fiscal Year 2003),~~
19 ~~Section 29, funds appropriated to the various State departments and agencies in~~
20 ~~Comptroller object 0182 (Employee Transit Expenses), for the use of Baltimore area~~
21 ~~transit services by State employees shall not be transferred or expended for any~~
22 ~~purpose and the general fund share of all such appropriations shall revert to the~~
23 ~~General Fund of the State.~~

24 ~~SECTION 8. AND BE IT FURTHER ENACTED, That, notwithstanding the~~
25 ~~provisions of § 32-205 of the State Personnel and Pensions Article, in fiscal year 2004~~
26 ~~the State shall not be required to make the employer contributions to the applicable~~
27 ~~State supplemental plan for participating employees in the Optional Defined~~
28 ~~Contribution System.~~

29 ~~SECTION 8. AND BE IT FURTHER ENACTED, That the unexpended~~
30 ~~appropriations for the following purposes that were included in the fiscal year 2003~~
31 ~~operating budget (Chapter 439, Acts of 2002) are reduced by the amounts indicated~~
32 ~~below and are hereby transferred to the State General Fund:~~

33	Fiscal Year	Program	Entitled	Amount of Reduction	General Funds
34	2003	D25E03.01	Board of Public Works-Interagency Committee for School Construction		30,058
35	2003	F10A04.01	State Chief of Information Technology	2,200,000	
36	2003	K00A17.08	Resource Management	95,000	
37	2003	R62I00.07	Educational Grants	200,000	
38	2003	V00E01.03	Baltimore City Juvenile Justice Center	2,500,000.	

1 SECTION 9. AND BE IT FURTHER ENACTED, That, notwithstanding any
2 provision of law, State employees employed by any entity to which funds are
3 appropriated in the State budget shall not receive bonuses related to individual
4 performance, merit increases, or cost-of-living adjustments in fiscal year 2004. This
5 provision shall not affect salaries for constitutional officers or members of the General
6 Assembly or increases necessary for the retention of faculty in the University System
7 of Maryland, Morgan State University, or St. Mary's College of Maryland.

8 SECTION 10. AND BE IT FURTHER ENACTED, That:

9 (a) Except as provided in subsection (b) of this section, no amounts may be
10 expended in fiscal year 2004 to pay increases over the rates in effect on January 17,
11 2003, for providers of nonpublic placements paid under § 8-406 of the Education
12 Article or for providers with rates set by the "Interagency Rates Committee" under §
13 8-417 of the Education Article.

14 (b) Payments Providers may submit requests for payment in excess of the
15 rates in effect on January 17, 2003, ~~may be made in fiscal year 2004 upon~~
16 ~~recommendation by the Subcabinet for Children, Youth, and Families and approval of~~
17 ~~the recommendation by the Secretary of Budget and Management for in~~ cases of
18 extreme financial hardship. Those requests shall be treated in the same manner as
19 rate appeals as set forth in § 8-417 of the Education Article of the Annotated Code of
20 Maryland.

21 SECTION 11. AND BE IT FURTHER ENACTED, That, notwithstanding any
22 other provision of law, on or before June 30, 2003, the Governor shall transfer to the
23 General Fund:

24 \$75,000,000 of the funds in the reserve for claims against the State in the
25 Injured Workers' Insurance Fund established under § 10-104 of the Labor and
26 Employment Article;

27 \$20,583,033 and \$18,073,000 of the funds in the special fund established under
28 § 13-209 of the Tax - Property Article, representing excess actual transfer tax
29 collections for fiscal years 2002 and 2003, respectively, that would otherwise be
30 allocated to the special fund for fiscal years 2004 and 2005 as provided under §
31 13-209(f)(1) of the Tax - Property Article;

32 \$29,000,000 of the funds in the accounts of the University System of Maryland;

33 ~~\$10,000,000~~ \$18,800,000 of the funds in the Maryland Agricultural Land
34 Preservation Fund established under § 2-505 of the Agriculture Article;

35 \$1,387,090 of the funds in the Cigarette Restitution Fund established under §
36 7-317 of the State Finance and Procurement Article;

37 \$8,000,000 of the funds in the Waterway Improvement Fund established under
38 § 8-707 of the Natural Resources Article;

- 1 ~~\$5,000,000~~ of the funds in the 911 Trust Fund established under Article 41, §
2 ~~48-105~~ of the Code;
- 3 \$2,000,000 of the funds in the Homeownership Programs Fund established
4 under Article 83B, § 2-613 of the Code;
- 5 ~~\$2,450,000~~ \$2,550,000 of the funds in the Smart Growth Economic Development
6 Infrastructure Fund established under Article 83A, § 5-701 of the Code;
- 7 ~~\$550,000~~ of the funds \$450,000 in the Maryland Competitive Advantage
8 Financing Fund established under Article 83A, § 5-1302 of the Code;
- 9 \$1,000,000 of the funds in the Equity Participation Investment Program Fund
10 established under Article 83A, § 5-1047 of the Code;
- 11 \$2,000,000 of the funds in the Enterprise Fund established under Article 83A, §
12 5-502 of the Code;
- 13 ~~\$2,000,000~~ \$4,000,000 of the funds in the Maryland Economic Development
14 Assistance Fund established under Article 83A, § 5-1404 of the Code;
- 15 \$2,000,000 of the funds in the account of the State Use Industries established
16 under § 3-507 of the Correctional Services Article;
- 17 \$3,000,000 of the funds in the accounts for State projects under Title 5, Subtitle
18 9 (Program Open Space) of the Natural Resources Article;
- 19 ~~\$10,225,500~~ \$23,627,500 of the funds in the account of the Major Information
20 Technology Development Fund established under § 3-410.2 of the State Finance and
21 Procurement Article;
- 22 \$661,000 of the funds in the Dedicated Purpose Fund of the State Reserve Fund
23 established under § 7-310 of the State Finance and Procurement Article which
24 constitute a portion of the funds appropriated in fiscal year 2002 for the Wilson
25 Bridge and the Metrorail Extension from Addison Road to Largo Town Center;
- 26 ~~\$327,500~~ \$250,000 of the funds in the Dedicated Purpose Fund of the State
27 Reserve Fund established under § 7-310 of the State Finance and Procurement
28 Article which constitute a portion of the funds appropriated in fiscal year 2001 for
29 consumer education of the electric utility industry restructuring;
- 30 \$10,000,000 of the funds in the Economic Development Opportunities Program
31 Fund established under § 7-314 of the State Finance and Procurement Article;
- 32 \$1,315,977 of the funds in the Vehicle Theft Prevention Fund established under
33 Article 88B, § 74 of the Code;
- 34 \$10,000,000 of the funds in the Maryland Housing Fund established under
35 Article 83B, § 3-206 of the Code;

1 \$3,000,000 of the funds in the Universal Service Trust Fund established under §
2 3-807 of the State Finance and Procurement Article; and

3 \$1,692,000 of the funds in the Special Fund established under § 11-401 of the
4 Business Regulation Article.

5 SECTION 12. AND BE IT FURTHER ENACTED, That, notwithstanding any
6 other provision of law, on or before June 30, 2004, the Governor shall transfer to the
7 General Fund:

8 ~~\$10,000,000~~ \$11,000,000 of the funds in the Waterway Improvement Fund
9 established under § 8-707 of the Natural Resources Article;

10 ~~\$3,000,000 of the funds in the Uninsured Division of the Maryland Automobile~~
11 ~~Insurance Fund established under § 20-201 of the Insurance Article;~~

12 \$2,000,000 of the funds in the account of the State Use Industries established
13 under § 3-507 of the Correctional Services Article;

14 ~~\$500,000 of the funds in the account of the Maryland Affordable Housing Trust~~
15 ~~established under Article 83B, § 11-102 of the Code;~~

16 ~~\$393,100~~ \$243,100 of the funds in the Special Fund established under § 11-401
17 of the Business Regulation Article;

18 \$150,000 of the funds in the Special Fund established under § 11-401 of the
19 Business Regulation Article, contingent on the failure of House Bill 1149-;

20 \$1,602,311 of the funds in the Vehicle Theft Prevention Fund established under
21 Article 88B, § 74 of the Code; and

22 Any balance remaining in the account of the Maryland Higher Education
23 Supplemental Loan Authority.

24 SECTION 13. AND BE IT FURTHER ENACTED, That in fiscal year 2004, if
25 the amount of State lottery proceeds paid to the General Fund in fiscal year 2003 is
26 less than \$441,991,000, then the Governor may transfer from the unclaimed prize
27 fund established in § 9-122 of the State Government Article to the General Fund the
28 lesser of:

29 (a) ~~The difference between the amount of State lottery proceeds paid to the~~
30 ~~General Fund in fiscal year 2003 and \$441,991,000; or~~

31 (b) ~~\$10,000,000.~~

32 SECTION 13. AND BE IT FURTHER ENACTED, That, notwithstanding any
33 other provision of law:

34 (a) For fiscal 2004, \$6,000,000 of the balance of the Maryland Emergency
35 Medical System Operations Fund established under § 13-955 of the Transportation
36 Article may be transferred by approved budget amendment to the Low Interest

1 Revolving Loan Account established under Article 38A, § 46E of the Annotated Code
 2 of Maryland.

3 (b) If the transfer authorized under subsection (a) of this section is not made
 4 for fiscal 2004, the Governor shall include in the fiscal 2005 annual budget bill a
 5 special fund appropriation from the Maryland Emergency Medical System
 6 Operations Fund to the Low Interest Revolving Loan Account in the amount of
 7 \$6,000,000.

8 (c) For each of the first 6 fiscal years beginning with the fiscal year after the
 9 fiscal year for which the transfer is made under subsection (a) of this section or the
 10 appropriation under subsection (b) of this section is included in the annual budget,
 11 \$1,000,000 of the funds in the Low Interest Revolving Loan Account shall be
 12 transferred to the Maryland Emergency Medical System Operations Fund.

13 SECTION 14. AND BE IT FURTHER ENACTED, That:

14 (a) For fiscal year 2004, prior to making the reimbursements required under §
 15 9-104(q) of the Tax - Property Article, the Department of Assessments and Taxation
 16 shall deduct from the funds due each county the following amounts to reimburse a
 17 portion of the State's cost of property tax administration:

18	Allegany	\$77,328
19	Anne Arundel	1,054,330
20	Baltimore City	564,840
21	Baltimore County	1,312,406
22	Calvert	176,951
23	Caroline	38,820
24	Carroll	283,760
25	Cecil	144,585
26	Charles	241,950
27	Dorchester	46,104
28	Frederick	388,249
29	Garrett	58,536
30	Harford	379,418
31	Howard	638,601
32	Kent	40,879
33	Montgomery	2,419,823
34	Prince George's	1,233,298
35	Queen Anne's	98,138
36	St. Mary's	154,180
37	Somerset	21,574
38	Talbot	110,398
39	Washington	202,367

1	<u>Wicomico</u>	<u>116,555</u>
2	<u>Worcester</u>	<u>196,910</u>
3	<u>Allegany</u>	<u>\$77</u>
4	<u>Anne Arundel</u>	<u>1,054</u>
5	<u>Baltimore City</u>	<u>565</u>
6	<u>Baltimore County</u>	<u>1,312</u>
7	<u>Calvert</u>	<u>177</u>
8	<u>Caroline</u>	<u>39</u>
9	<u>Carroll</u>	<u>284</u>
10	<u>Cecil</u>	<u>145</u>
11	<u>Charles</u>	<u>242</u>
12	<u>Dorchester</u>	<u>46</u>
13	<u>Frederick</u>	<u>388</u>
14	<u>Garrett</u>	<u>59</u>
15	<u>Harford</u>	<u>379</u>
16	<u>Howard</u>	<u>639</u>
17	<u>Kent</u>	<u>41</u>
18	<u>Montgomery</u>	<u>2,420</u>
19	<u>Prince George's</u>	<u>1,233</u>
20	<u>Queen Anne's</u>	<u>98</u>
21	<u>St. Mary's</u>	<u>154</u>
22	<u>Somerset</u>	<u>22</u>
23	<u>Talbot</u>	<u>110</u>
24	<u>Washington</u>	<u>202</u>
25	<u>Wicomico</u>	<u>117</u>
26	<u>Worcester</u>	<u>197</u>

27 (b) If any amount in subsection (a) of this section exceeds the amount of funds
 28 due to a county for reimbursement of tax credit payments, no additional payment
 29 shall be required from the county under this section.

30 (c) Notwithstanding § 9-104(a-1) of the Tax - Property Article, the Governor
 31 shall not be required to include in the fiscal year 2005 budget bill a deficiency
 32 appropriation for any tax credit reimbursements to counties for fiscal year 2004.

33 SECTION 15. AND BE IT FURTHER ENACTED, That, notwithstanding any
 34 other provision of law, for fiscal year 2004 only, \$8,232,636 of the funds in the Joseph
 35 Fund of the State Reserve Fund established under § 7-327 of the State Finance and
 36 Procurement Article may be transferred to the Department of Human Resources for
 37 child welfare services provided by local departments of social services.

38 SECTION 16. AND BE IT FURTHER ENACTED, That, notwithstanding
 39 anything to the contrary in § 8-403 of the Transportation Article or any other

1 provision of State law, for fiscal years 2003, 2004, and 2005, only: (a) the amount to be
2 distributed under § 8-403(b) of the Transportation Article shall be reduced by
3 \$17,949,407 for fiscal year 2003 ~~and \$102,440,128 for fiscal years 2004 and 2005,~~
4 \$102,440,128 for fiscal year 2004, and \$51,220,064 for fiscal year 2005 and those
5 amounts shall be distributed to the General Fund; and (b) the amount to be
6 distributed to Baltimore City under § 8-403(a) of the Transportation Article shall be
7 limited to \$171,817,132 in fiscal year 2003 and \$170,000,000 in each of fiscal years
8 2004 and 2005.

9 SECTION 17. AND BE IT FURTHER ENACTED, That, notwithstanding the
10 provisions of § 8-402 of the Transportation Article or any other provision of law, in
11 each of fiscal years 2003 and 2004, \$150,000,000 of motor vehicle registration
12 revenues and other user fees from the Motor Vehicle Administration shall be
13 deposited in the General Fund rather than in the Gasoline and Motor Vehicle
14 Revenue Account of the Transportation Trust Fund or the Transportation Trust Fund,
15 respectively. Notwithstanding the provisions of this section and except as provided in
16 Section 16 of this Act, the calculation of the local share of highway user revenues
17 pursuant to § 8-403 of the Transportation Article shall not be affected and the total
18 amount of highway user revenues for the purpose of such calculation shall be
19 calculated in accordance with the provisions of law in effect prior to the passage of
20 this Act.

21 SECTION 18. AND BE IT FURTHER ENACTED, That, notwithstanding the
22 provisions of Chapter 440 of the Acts of 2002 or any other provision of law, the amount
23 to be transferred in fiscal year 2003 from the Racing Facility Redevelopment Bond
24 Fund established under § 11-1206 of the Business Regulation Article shall be
25 \$2,211,284.

26 SECTION 19. AND BE IT FURTHER ENACTED, That Section(s) 5-1301
27 through 5-1305 and the subtitle "Subtitle 13. Maryland Competitive Advantage
28 Financing Fund" of Article 83A - Department of Business and Economic Development
29 of the Annotated Code of Maryland be repealed.

30 SECTION 20. AND BE IT FURTHER ENACTED, That the Department of
31 Health and Mental Hygiene shall report to the Governor and the General Assembly in
32 accordance with § 2-1246 of the State Government Article by December 1, 2003 on
33 the Department's methodology for calculating the base amount of funding for each
34 county and Baltimore City for the tobacco and cancer initiatives funded by the
35 Cigarette Restitution Fund as required under §§ 13-1007(b)(1) and 13-1108(b)(1) of
36 the Health - General Article as enacted under Section 1 of this Act.

37 ~~SECTION 19. 21.~~ AND BE IT FURTHER ENACTED, That if any provision of
38 this Act or the application thereof to any person or circumstance is held invalid for
39 any reason in a court of competent jurisdiction, the invalidity does not affect other
40 provisions or any other application of this Act which can be given effect without the
41 invalid provision or application, and for this purpose the provisions of this Act are
42 declared severable.

1 SECTION 22. AND BE IT FURTHER ENACTED, That Section 2 of this Act
2 shall take effect October 1, 2003.

3 SECTION 23. AND BE IT FURTHER ENACTED, That Section 4 of this Act
4 shall take effect July 1, 2003.

5 SECTION 24. AND BE IT FURTHER ENACTED, That Section 19 of this Act
6 shall take effect July 1, 2004. Any balance remaining in the Maryland Competitive
7 Advantage Financing Fund on June 30, 2004 shall be credited to the General Fund of
8 the State.

9 SECTION ~~20.~~ 25. AND BE IT FURTHER ENACTED, That, except as
10 otherwise provided in Sections 22 through 26 of this Act, this Act shall take effect
11 June 1, 2003.